

**Board of County Commissioners
Leon County, Florida**

**2017 Cycle
Comprehensive Plan Amendments
Joint City-County Workshop**

**March 7, 2017
1:30 p.m. – 2:45 p.m.**

**City Commission Chambers
City Hall, 2nd Floor
300 S. Adams Street**

Leon County Board of County Commissioners

Notes for Workshop

2017 Cycle Comprehensive Plan Amendments Joint City-County Workshop

March 7, 2017

To: Honorable Chairman and Members of the Board
Mayor and City Commissioners

From: Vincent S. Long, County Administrator
Ricardo Fernandez, City Manager

Title: Joint City-County Commission Workshop on the 2017 Cycle Comprehensive Plan Amendments

Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin Pingree, Planning, Land Management, and Community Enhancement (PLACE) Cherie Bryant, Tallahassee-Leon County Planning Department
Lead Staff/ Project Team:	Artie White, Principal Planner

Statement of Issue:

This item provides information on the proposed 2017 cycle amendments to the Tallahassee-Leon County Comprehensive Plan. The purpose of the Joint Workshop is to allow the elected officials for both the City and County to review the amendments and request any additional information from staff prior to the transmittal public hearing which will occur on April 4, 2017.

Fiscal Impact:

This item has no fiscal impact to the County

Staff Recommendation:

Option #1: Conduct 2017 Cycle Comprehensive Plan Amendments Joint City-County Commission Workshop

Report and Discussion

Background:

The Joint City-County Commissions Workshop for the 2017 Cycle Comprehensive Plan amendments is scheduled for Tuesday, March 7 at 1:30 PM in the City Commission Chambers. The purpose of this workshop is to review and discuss the proposed amendments. This workshop packet includes the agenda, staff reports, and public comments received for all 2017 amendments through February 23, 2017.

The City and County Commissions will meet for the first public hearing on the 2017 cycle amendment on April 4, 2017. The second and final adoption public hearing for the 2017 amendments is scheduled for May 23, 2017.

Full 2017 Cycle Amendment Schedule:

Application Cycle	April 2016 – September 30, 2016
Public Open House	November 17, 2016
Local Planning Agency Workshop	January 19, 2017
Public Open House	January 23, 2017
Local Planning Agency Public Hearing	February 7, 2017
Local Planning Agency Voting Meeting	February 15, 2017
Joint City-County Workshop	March 7, 2017
Joint City-County Transmittal Public Hearing	April 4, 2017
Joint City-County Adoption Public Hearing	May 23, 2017

Analysis:

The purpose of this workshop is to review and discuss the proposed amendments for the 2017 Comprehensive Plan Amendment Cycle.

Options:

1. Conduct 2017 Cycle Comprehensive Plan Amendments Joint City-County Commission Workshop.
2. Do not conduct 2017 Cycle Comprehensive Plan Amendments Joint City-County Commission Workshop.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Agenda for the March 7, 2017 Joint City-County Workshop
2. 2017 Cycle Summary Recommendations Matrix
3. 2017 Cycle Staff Reports
4. Public Comments received through February 23, 2017

**JOINT CITY-COUNTY COMMISSION WORKSHOP
2017 CYCLE COMPREHENSIVE PLAN AMENDMENTS
MARCH 7, 2017 1:30 PM
Commission Chambers, City Hall, 300 S. Adams Street**

- A. Introductory comments by staff
- B. Review proposed 2017 Cycle Comprehensive Plan Amendments

1. PCM201703: Arrowhead Drive

Applicant: City of Tallahassee

Staff Recommendation: Approval

TLCPD Staff: Steve Hodges

Map Amendment: The proposed amendment would change the Future Land Use Map (FLUM) designation of the subject site from Government Operational (GO) to Residential Preservation (RP) and Urban Fringe with Residential Preservation Overlay (UF-RPO), consistent with the surrounding properties. The GO designation is intended for property owned by a governmental entity and allows community services, heavy infrastructure, police and fire stations, electric generating facilities, postal facilities, and government offices. The RP designation would allow single family houses, townhouses, and cluster housing development within a range up to six dwelling units per acre. The UR-RPO designation would allow residential development up to one unit per three acres.

Rezoning Application: No zoning change is needed to implement the proposed map amendment.

2. PCM201704: City of Tallahassee Electric

Applicant: City of Tallahassee

Staff Recommendation: Approval

TLCPD Staff: Steve Hodges

Map Amendment: The proposed amendment would change the Future Land Use Map (FLUM) designation of the subject site from Urban Residential-2 (UR-2) to Government Operational (GO). The UR-2 designation allows single family homes, townhouses, duplexes, and apartments at a maximum density of 20 units per acre. The GO designation allows community services, heavy infrastructure, police and fire stations, electric generating facilities, postal facilities, and government offices.

Rezoning Application: A zoning change from R-1 Single Family Detached Residential District to M-1 Light Industrial is being requested to implement the proposed amendment.

3. PCM201707: Thomas Park Subdivision

Applicant: Leon County

Staff Recommendation: Approval

TLCPD Staff: Julie Christesen

Map Amendment: The proposed amendment would change the Future Land Use Map (FLUM) designation of the subject site (shown with dark hatched marks on the map) from Urban Residential-2 (UR-2) to Suburban (SUB). The UR-2 designation allows single family homes, townhouses, duplexes, and apartments at a maximum density of 20 units per acre. The Suburban designation allows for a mix of uses, including office, commercial and residential housing up to twenty (20) units per acre.

Rezoning Application: No zoning change is needed to implement the proposed map amendment.

4. PCM201701: Southside Pit

Applicant: AG Sandy Properties, LLC; Sandco Inc.

Staff Recommendation: Approval with modifications

TLCPD Staff: Steve Hodges

Map Amendment: The proposed amendment would change the Future Land Use Map (FLUM) designation of the subject site from Urban Residential-2 (UR-2) to Suburban (SUB). The UR-2 designation allows single family homes, townhouses, duplexes, and apartments at a maximum density of 20 units per acre. The SUB designation allows a mix of residential building types with a maximum density of 20 units per acre, commercial, office, community services, passive and active recreation, light industrial, and light infrastructure.

Rezoning Application: A zoning change from R-1 Single Family Detached District and R-2 Single Family Detached Residential District to M-1 Light Industrial is being requested to implement the proposed amendment.

5. PCM201705: Amelia Circle

Applicant: Tesfa Haile

Staff Recommendation: Denial

TLCPD Staff: Debra Thomas

Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation of seven parcels in the White Acres Addition Subdivision from Residential Preservation to Suburban.

The Residential Preservation FLUM designation allows for single-family houses, townhomes, and duplexes at a maximum density of six (6) units per acre. The Suburban FLUM designation allows for a mix of uses, including office, commercial and residential housing up to twenty (20) units per acre.

Rezoning Application: A zoning change from Residential Preservation-1 (RP-1) to Office Residential-1 (OR-1) is being requested to implement the proposed amendment.

6. PCT201708: Old Willis Dairy

Applicant: Frank Willis

Staff Recommendation: Approval

TLCPD Staff: Julie Christesen

Map Amendment: The proposed amendment would change the Future Land Use Map (FLUM) designation of the subject site (shown with dark hatched marks on the map) from Residential Preservation (RP) to Suburban (SUB). The Residential Preservation FLUM designation allows for single-family houses, townhomes, and duplexes at a maximum density of six (6) units per acre. The Suburban FLUM designation allows for a mix of uses, including office, commercial and residential housing up to twenty (20) units per acre.

Rezoning Application: A zoning change Residential Preservation-1 (RP-1) and Residential Preservation-2 (RP-2) to Office Residential-2 (OR-2) is being requested to implement the proposed amendment.

7. PCM201702: Killearn Country Club

Applicant: Barton N. Tuck Jr.

Staff Recommendation: Approval with expansion

TLCPD Staff: Debra Thomas

Map Amendment: This is a request to change the Future Land Use Map (FLUM) designation of five areas of the Killearn Golf and Country Club from Recreation/Open Space to Urban Residential and Residential Preservation. The combined area to be changed is approximately 40.9 acres. The applicant has stated that he is requesting this amendment to help finance improvements to Killearn Golf and Country Club.

The current Recreation/Open Space FLUM allows for active or passive recreational facilities, golf courses, historic sites, forests, cemeteries, or wildlife management areas. The proposed FLUM categories of Residential Preservation and Urban Residential would allow for a mix of residential housing types. The Residential Preservation category would allow for single-family houses, townhomes, and duplexes at a maximum density of 6 (six) units per acre. The proposed Urban Residential designation would allow single-family houses, townhomes, and multi-family dwellings at a maximum density of 10 (ten) units per acre.

Rezoning Application: Zoning changes from Residential Preservation-1 (RP-1) and Residential Preservation-2 (RP-2) to Single, Two-Family & Multi Family Residential (R-4) on the Urban Residential site (site E) is being requested to implement the proposed amendment. No zoning change is needed to implement the proposed map amendment to Residential Preservation for sites since the current zoning of Residential Preservation -1 (RP-1) is consistent with the proposed FLUM.

C. 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.).

MATRIX FOR 2017 CYCLE AMENDMENTS

A = Approve
D = Denial
AM = Approve as Modified

Item #	Amendment To:	Nature of Proposed Amendment	Planning Staff Recommendation	LPA Recommendation	City Commission Position	Board of County Commissioners Position
PCM201701	FUTURE LAND USE MAP Southside Pit	From: Urban Residential-2 and Residential Preservation To: Suburban 77.9 acres	AM – Modify and Expand	D		
PCM201702	FUTURE LAND USE MAP Killearn Country Club	From: Recreation/Open Space To: Urban Residential and Residential Preservation 40.9 acres	AM - Expand	D		
PCM201703	FUTURE LAND USE MAP Arrowhead Drive	From: Government Operational To: Urban Fringe with Residential Preservation Overlay & Residential Preservation 2.05 acres	A	A		
PCM201704	FUTURE LAND USE MAP City of Tallahassee Electric	From: Urban Residential-2 To: Government Operational 1.68 acres	A	A		
PCM201705	FUTURE LAND USE MAP Amelia Circle	From: Residential Preservation To: Suburban 2.59 acres	D	D		
PCM201706	FUTURE LAND USE MAP WITHDRAWN Parks, Recreation, and Neighborhood Affairs (PRNA) Administrative Offices	From: Recreation/Open Space To: Central Urban 11.23 acres	A	D		
PCM201707	FUTURE LAND USE MAP Thomas Park Subdivision	From: Urban Residential-2 To: Suburban 1.02 acres	A	A		
PCM201708	FUTURE LAND USE MAP Old Willis Dairy	From: Residential Preservation To: Suburban 3.4 acres	A	A		



Joint City-County Commission Workshop
2017 Comprehensive Plan Amendment Cycle
Staff Reports

1. PCM201703: Arrowhead Drive

Applicant: City of Tallahassee

2. PCM201704: City of Tallahassee Electric

Applicant: City of Tallahassee

3. PCM201707: Thomas Park Subdivision

Applicant: Leon County

4. PCM201701: Southside Pit

Applicant: AG Sandy Properties, LLC; Sandco Inc.

5. PCM201705: Amelia Circle

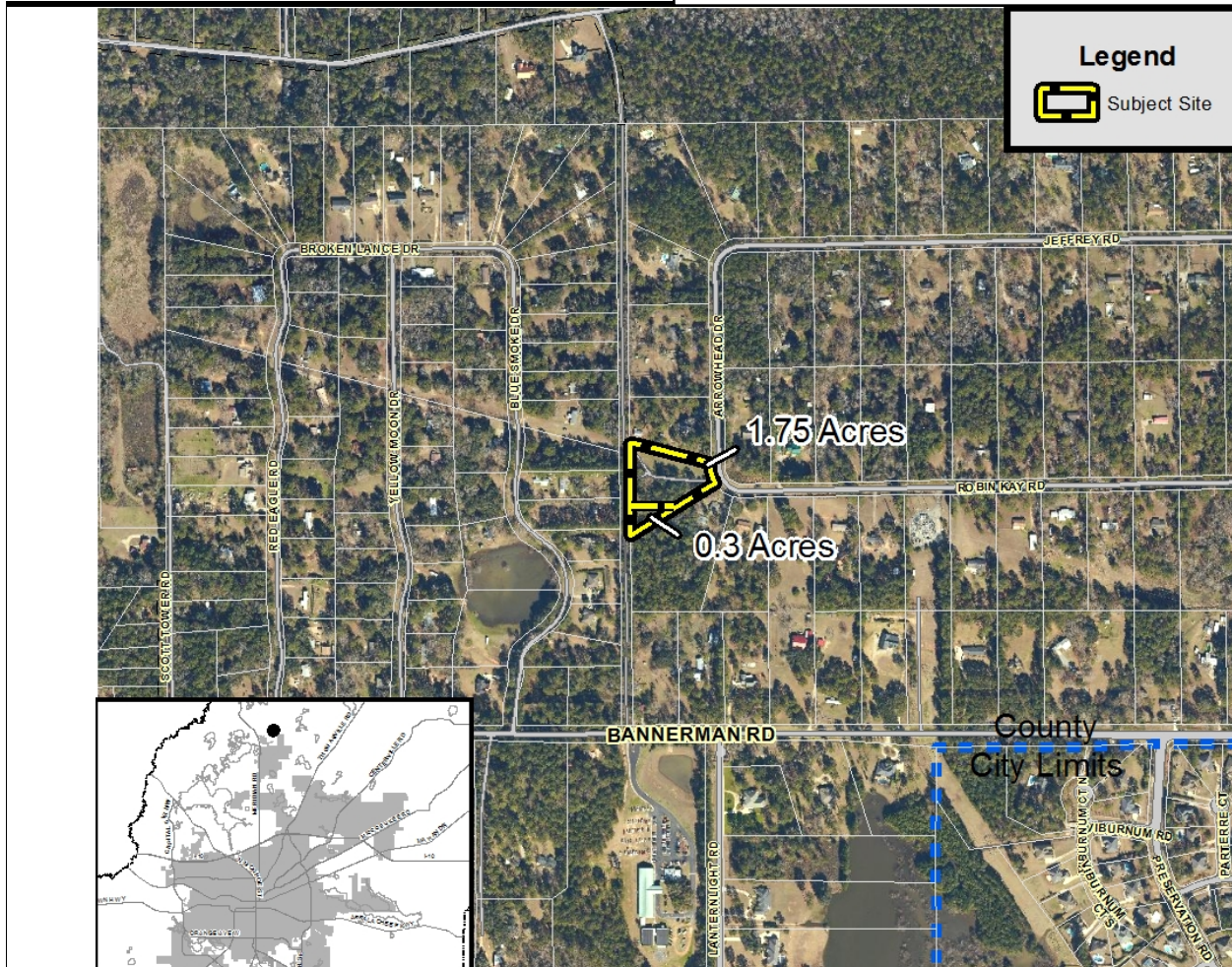
Applicant: Tesfa Haile

6. PCT201708: Old Willis Dairy

Applicant: Frank Willis

7. PCM201702: Killearn Country Club

Applicant: Barton N. Tuck Jr.



Property Owner:	Property Location:	TLCPD Recommendation:
James and Mary Hart	Arrowhead Estates	Approve
Applicant:		
TLCPD		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Stephen M. Hodges	<u>Future Land Use:</u> Government Operational <u>Zoning:</u> Residential Preservation	Approve
Contact Information:	Proposed Future Land Use & Zoning:	
Stephen.Hodges@talgov.com (850) 891-6408	<u>Future Land Use:</u> Urban Fringe w/ Residential Preservation Overlay and Residential Preservation <u>Zoning:</u> Residential Preservation	
Date: November 8, 2016	Updated: February 20, 2017	

A. REASON FOR REQUESTED CHANGE

Planning staff received a request from the City of Tallahassee Real Estate Management Department to initiate a Future Land Use Map (FLUM) amendment for approximately 2.1 acres (subject site) located in the Arrowhead Estates subdivision.

The subject site previously served as a municipal water well site operated by the City of Tallahassee. The well was shut down and removed, and the land was surplus by the City and sold to an adjacent property owner in October 2015.

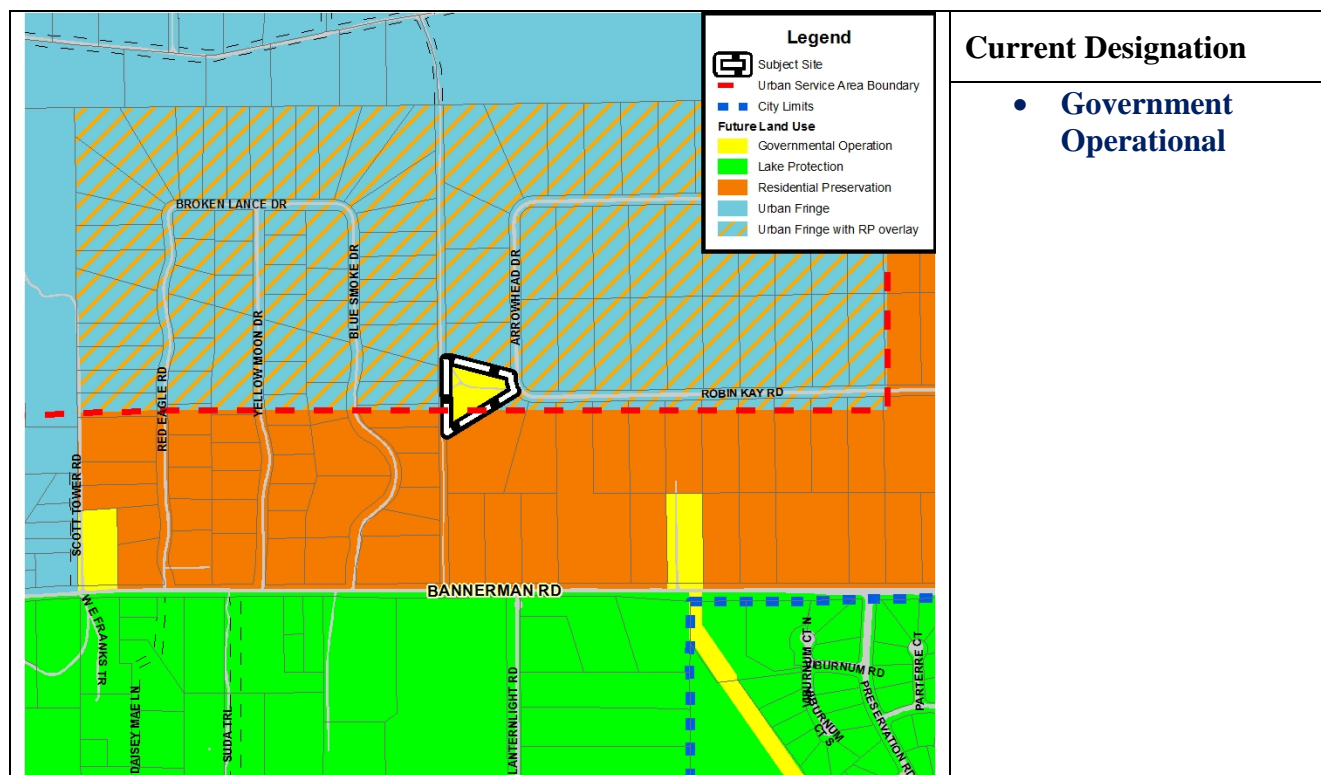
Since the water well is no longer in operation and the subject site is no longer owned by the City, the subject site no longer meets the criteria for the Government Operational land Use. It is necessary to change the site's land use designation so that the property owner can build a single-family residential structure.

B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION

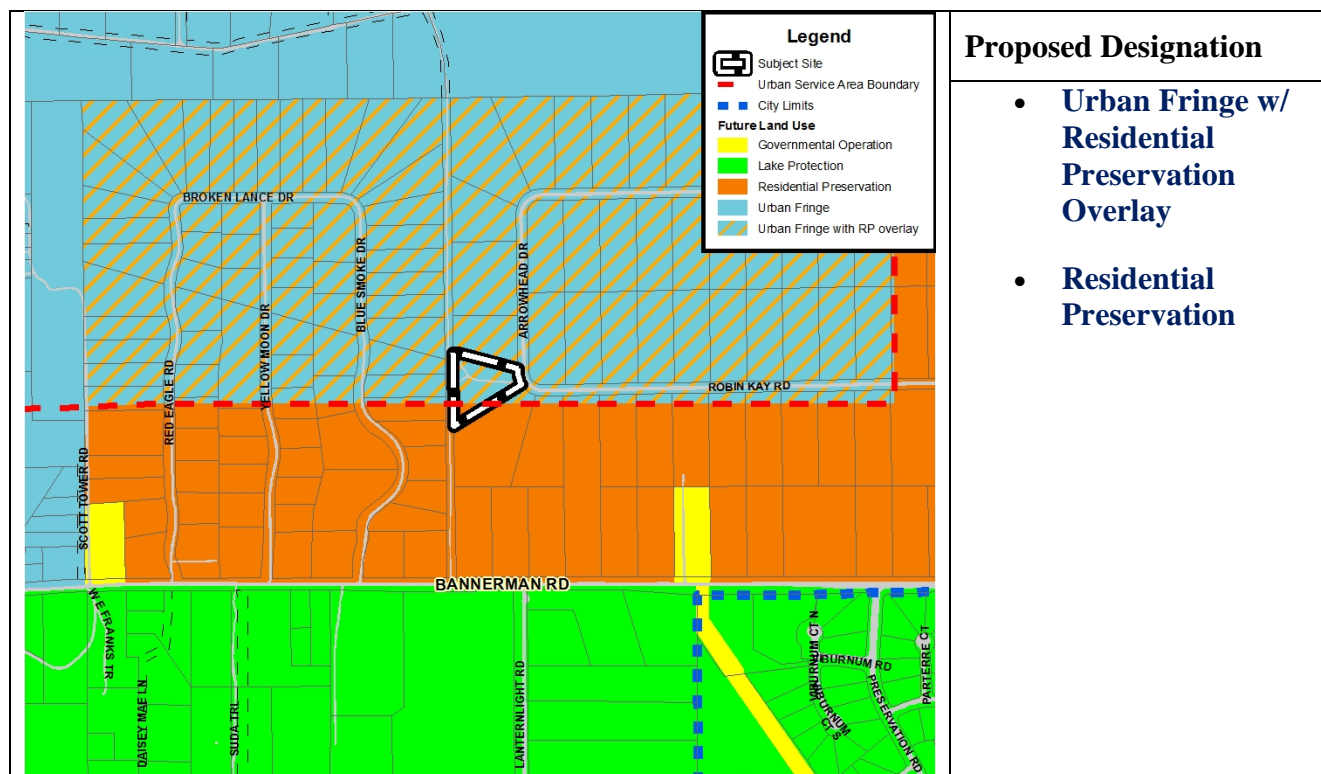
The proposed map amendment would change the FLUM designation for approximately 2.1 acres from Government Operational to a combination of Urban Fringe with a Residential Preservation Overlay (UF-RPO) and Residential Preservation (RP). Approximately 1.75 acres of the subject site is located north of the Urban Service Area (USA) boundary line in an area that is predominately UF-RPO. The remaining 0.3 acres of the subject site is south of the USA boundary line in an area that is predominately RP.

The following maps illustrate the current and proposed FLUM designations for the subject site.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



C. STAFF RECOMMENDATION

Find the proposed amendment consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and **ADOPT** the proposed amendment.

D. FINDINGS

Staff presents the following findings of fact:

1. The current land use designation of Government Operational is no longer consistent with the use and ownership of the subject site.
2. The proposed land use changes to Urban Fringe with Residential Preservation Overlay and Residential Preservation is consistent with the surrounding area and with the current and future use of the subject site.
3. The proposed amendment has no adverse impact on existing or planned infrastructure.

E. STAFF ANALYSIS

History and Background

The 2.1 acre subject site is located on Arrowhead Drive in the Arrowhead Estates residential subdivision, which is located north of Bannerman Road and west of Bull Headley Road. A water well that was owned and operated by the City of Tallahassee was previously located on the subject site. The City closed the well and subsequently removed all pumps, valves, tanks, and other equipment. The City surplused the subject site and an adjacent property owner purchased it in October 2015. In July 2016, the property owner unified the title with that of his homestead parcel immediately north of the subject site.

Following the sale of the subject site, the City's Division of Real Estate requested that Planning staff initiate a FLUM amendment for the subject site since it is no longer operated as a well site and is no longer government-owned.

Current and Proposed Land Use Categories

The following text describes the current and proposed land use categories. Attachment #1 includes the full text of all relevant policies.

Government Operational (Current)

The Government Operational (GO) category is intended to be applied towards government-owned lands which have various facilities such as Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary. These facilities provide the operation and provision of services on property owned or operated by local, state and federal government. No residential uses are permitted within this land use category.

Urban Fringe (Proposed)

The Urban Fringe (UF) Future Land Use Map designation is intended for very low-density residential areas mixed with open space and agricultural activity on the periphery of the Urban Service Area. Conventional subdivision of land in the Urban Fringe may be permitted at a density of up to one unit per three acres. To promote a mix of residential areas and perpetually protected open space and agricultural lands, Conservation Subdivision developments are allowed and encouraged. Conservation Subdivision design in Urban Fringe may be permitted at a density of up to one unit per three gross acres with units clustered on no more than 50% of the site. Conservation Subdivisions must also permanently set aside at least 50% of the total site as open space and restrict development to the least environmentally sensitive and otherwise significant portions of the land.

Appropriately-sized minor commercial activities and minor offices are also permitted. Industrial, office and more intensive commercial land uses are prohibited due to lack of present infrastructure services or potential negative environmental impacts. Present or future agricultural, silviculture, and forestry activities may be allowed.

Residential Preservation Overlay (Proposed)

The Residential Preservation Overlay (RPO) is a planning tool on the Future Land Use Map that identifies residential areas outside the Urban Service Area which predate the Comprehensive Plan that, based on their housing type and density, would otherwise qualify as Residential Preservation. An RPO allows only residential uses. Residential densities within an RPO are limited to those permitted by the underlying land use designation, which is one dwelling units per three acres in the Urban Fringe Land Use.

Residential Preservation (Proposed)

The Residential Preservation (RP) Future Land Use Map designation is intended to protect existing stable and viable residential areas predominantly accessible by local streets from incompatible land use intensities and density intrusions. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Commercial uses, including office and industrial land uses, are prohibited.

Consistency with Comprehensive Plan

Policy 2.2.2: [L] implements the Urban Fringe Future Land Use category. This policy is intended to provide the opportunity for very low-density residential areas mixed with open space and agricultural activity on the periphery of the Urban Service Area. Conventional subdivision of land in the Urban Fringe may be permitted at a density of up to one unit per three acres. In addition, appropriately sized minor commercial activities and minor offices are permitted. However, industrial, office and more intensive commercial land uses are prohibited due to lack of present infrastructure services or potential negative environmental impacts. Present or future agricultural, silviculture, and forestry activities may be allowed.

Policy 2.2.3: [L] implements the Residential Preservation Future Land Use category. Characterized by existing homogeneous residential areas within the community predominantly accessible by local streets, the primary function of this land use category is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Residential

development in this category is limited to low density single family detached and/or non-single family detached units (including but not limited to townhomes and duplexes) at a maximum density of six dwelling units per acre. However, this policy also states that to protect established single family neighborhoods from density intrusions, consistency within the recorded or unrecorded subdivision shall be the primary factor in granting approval for development applications.

Policy 2.2.16: [L] implements the Government Operational Future Land Use category. Contains facilities, which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary, that provide for the operation of and provision of services on property owned or operated by local, state and federal government. The government facilities may include services and uses provided by private entities operating on property owned by the local, state, or federal government.

The proposed amendment would change the future land use designation of the subject site from Government Operational to Urban Fringe and Residential Preservation. The amendment is consistent with the Comprehensive Plan because the Government Operational Future Land Use Category is intended for “property owned or operated by local, state and federal government” and the property is privately owned. Amending the Future Land Use Map for the portion of the subject site that is “on the periphery of the Urban Service Area” to Urban Fringe with Residential Preservation Overlay is consistent with the intent of Policy 2.2.2, which indicates that the land use is intended for very low-density residential areas in such locations. Amending the Future Land Use Map for the portion of the subject site that is within the Urban Service Area to Residential Preservation is consistent with Policy 2.2.3 because the subject site is in a low density, stable and viable residential area.

Zoning

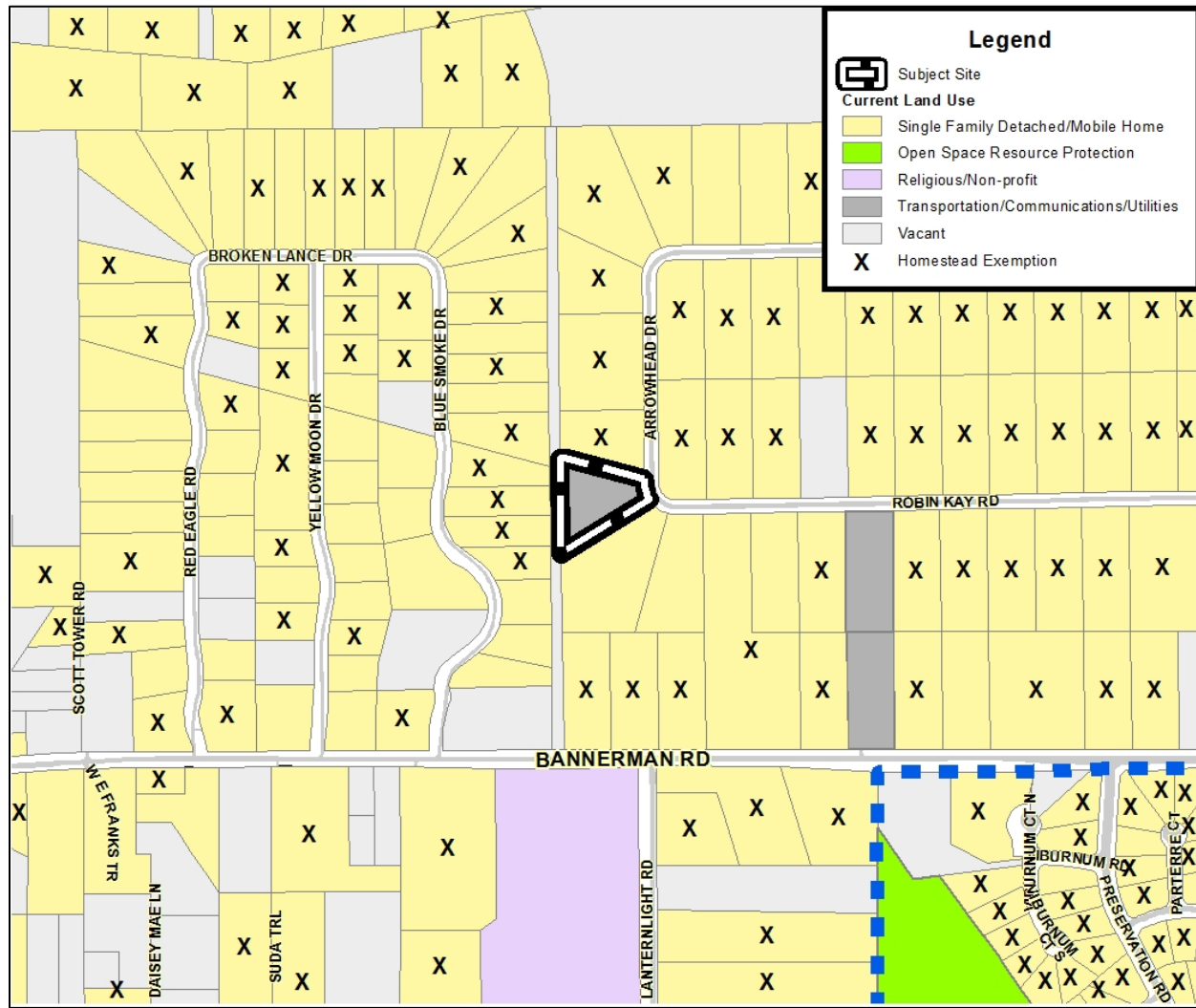
The current zoning designation for the subject site is Residential Preservation (RP) District, which is consistent with the zoning designation of the surrounding properties to the north, east, and south. No rezoning is proposed.

Section 10-6.617 of the County’s Land Development Code governs Residential Preservation zoning in the unincorporated area. This section permits single-family, duplex residences, manufactured homes, and cluster housing within a range of zero to six units per acre. Section 10-6.617 does not specify that Residential Preservation District is intended for any specific designations on the Future Land Use Map; however, in Residential Preservation areas outside the urban service area, this section states that the density of non-vested development in residential preservation areas shall be consistent with the underlying land use category. For the subject site, the maximum allowed residential density would be one (1) dwelling unit per three acres. The current maximum allowable residential density for the unified parcel is one dwelling unit.

Existing Land Uses

The use of the subject site was previously a government operation (municipal water well facility). It is now currently vacant. The surrounding land uses are primarily low-density residential. The following map indicates existing land uses surrounding the subject site..

Existing Land Use Map



Infrastructure Analysis

Water/Sewer

The subject site is currently served by City of Tallahassee potable water service. Central sewer service is not currently available to the subject site, nor is it planned within the five-year Capital Improvements Schedule.

Schools

The subject site is in the Hawks Rise Elementary, Deerlake Middle School, and Chiles High School attendance zones. Based on the current maximum allowable residential density for the subject site of one (1) dwelling unit only, no adverse impacts on public school capacity are anticipated.

Roadway Network

The subject site is currently served by Arrowhead Drive, which is a local, paved road. Given the size of the subject site and the permitted uses, densities, and intensities, no adverse impacts to the local roadway network are anticipated.

Pedestrian and Bicycle Network

There are no pedestrian or bicycle facilities proximate to the subject site.

Transit Network

StarMetro does not provide service to the subject site or surrounding area.

Environmental Analysis

Environmental Features

The subject site is located within the Lake Iamonia drainage basin. There are no known protected environmental features onsite.

Easements

There is an existing 100-foot wide electric transmission easement running east & west through the subject site. A City of Tallahassee high power electric transmission line is located within this easement.

F. PUBLIC OUTREACH AND NOTIFICATION

Public notices were sent to 62 property owners within 1,000 feet of the subject site. Below is a list of all outreach and notification to the public regarding this proposed amendment:

Public Outreach		Date	Details
X	Mail Notification of Proposed Changes	November 4, 2016	Notices Mailed to Property Owners within 1000 feet
X	Notice of Proposed Land Use Change and Rezoning	January 6, 2017	Two signs providing details of proposed land use and zoning changes posted on subject site
X	First Public Open House	November 17, 2016	5:30 PM, Second Floor, Frenchtown Renaissance Center
X	Staff Reports Available Online	January 13, 2017	Email Subscription Notice sent to all users of service
X	Second Public Open House	January 23, 2017	5:30 PM, Commission Chambers, City Hall

First Public Open House - November 17, 2016: 124 citizens attended the first open house to discuss the 2017 Cycle amendments. Of the 124 attendees, 3 (including the property owner) were present to discuss this amendment. Upon discussing the number of dwelling units allowed on the subject site with the proposed amendment, the three attendees left with no further questions.

Second Public Open House – January 23, 2017: 110 citizens attended the second open house to discuss the 2017 Cycle amendments. Of the 110 attendees, none were present to discuss this amendment.

G. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2017 Meetings		Dates	Time and Locations
X	Local Planning Agency Workshop	January 19, 2017	9:00 AM, Second Floor, Frenchtown Renaissance Center
X	Local Planning Agency Public Hearing	February 7, 2017	6:00 PM, Commission Chambers, City Hall
	Joint City-County Commission Workshop	March 7, 2017	1:30 PM, Commission Chambers, City Hall
	Joint City-County Transmittal Public Hearing	April 4, 2017	6:00 PM, Commission Chambers, City Hall
	Joint City-County Adoption Public Hearing	May 23, 2017	6:00 PM, Commission Chambers, City Hall

Local Planning Agency Public Hearing - February 7, 2017: The Local Planning Agency recommended approval of this proposed amendment.

H. ATTACHMENTS:

Attachment #1: Complete Text of Comprehensive Plan Policies:

1. 2.2.2: [L] Urban Fringe
2. 2.2.3: [L] Residential Preservation
3. 2.2.16: [L] Government Operational

Complete Text of Comprehensive Plan Policies
Referenced in PCM201703 Report

Policy 2.2.2: [L]

URBAN FRINGE* (REV. EFF. 8/17/92; REV. EFF. 7/26/06; REV. EFF. 4/10/09; REV. EFF. 12/24/10; REV. EFF. 12/15/11)

The Urban Fringe category is intended to provide the opportunity for very low-density residential areas mixed with open space and agricultural activity on the periphery of the Urban Service Area. To protect Rural areas from premature development, facilitate infill and redevelopment inside the Urban Service Area, and in recognition of the significant area already mapped as Urban Fringe, no additional lands designated Rural or Urban Fringe as of August 26, 2006 shall be converted to a more dense or intense land use category unless adjoining lands are also within the designated Urban Service Area boundary or the designated Woodville Rural Community. Conversions to the Woodville Rural Community designation shall be consistent with the Transfer of Development Units provision in Policy 4.2.5: [C].

Conventional subdivision of land in the Urban Fringe may be permitted at a density of up to one unit per three acres. To promote a mix of residential areas and perpetually protected open space and agricultural lands, Conservation Subdivision developments are allowed and encouraged. Conservation Subdivision design in Urban Fringe may be permitted at a density of up to one unit per three gross acres with units clustered on no more than 50% of the site. Conservation Subdivisions must also permanently set aside at least 50% of the total site as open space and restrict development to the least environmentally sensitive and otherwise significant portions of the land.

Appropriately sized minor commercial activities and minor offices are permitted. Industrial, office and more intensive commercial land uses are prohibited due to lack of present infrastructure services or potential negative environmental impacts. Present or future agricultural, silviculture and forestry activities may be allowed.

Policy 2.2.3: [L]

RESIDENTIAL PRESERVATION (*Effective 7/16/90; Revision Effective 7/26/06; Revision Effective 4/10/09*)

Characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function 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, including office as well as any 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.

For Residential Preservation areas outside the Urban Service area the density of the residential preservation area shall be consistent with the underlying land use category.

The Residential Preservation category shall be based on the following general criteria. For inclusion, a residential area should meet most, but not necessarily all of these criteria.

- 1) Existing land use within the area is predominantly residential
- 2) Majority of traffic is local in nature
 - a) Predominance of residential uses front on local street
 - b) Relatively safe internal pedestrian mobility
- 3) Densities within the area generally of six units per acre or less
- 4) Existing residential type and density exhibits relatively homogeneous patterns
- 5) Assessment of stability of the residential area, including but not limited to:
 - a) Degree of home ownership
 - b) Existence of neighborhood organizations

In order to preserve existing stable and viable residential neighborhoods within the Residential Preservation land use category, development and redevelopment activities in and adjoining Residential Preservation areas shall be guided by the following principles:

- a) The creation of transitional development area (TDA) for low density residential developments.

Higher density residential developments proposed for areas adjoining an established neighborhood within the residential preservation land use category shall provide a transitional development area along the shared property line in the higher density residential development. The development density in the transitional development area shall be the maximum density allowed in the Residential Preservation land use category. Development within the transitional development area shall be designed, sized and scaled to be compatible with the adjoining residential preservation area.

Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval. The factors cited in paragraph (e) below shall be considered when determining the size of transitional development areas. The land development regulations shall specify development thresholds for the implementation of transitional development areas.

- b) Limitation on future commercial intensities adjoining low density residential preservation neighborhoods.

New or redeveloped commercial uses adjoining residential preservation designated areas shall mitigate potential impacts by providing a transitional development area between the commercial uses and residential preservation uses and only those commercial activities which are compatible with low density residential development in terms of size and appearance shall be allowed. The factors cited in paragraph (e) below shall be used when determining the compatibility, design techniques and the size of transitional development areas. The design and layout of adjoining commercial uses shall be oriented to place the section of the development with the least potential negative impacts next to the residential preservation area.

- c) Limitations on existing light industry adjoining residential preservation neighborhoods.

New, expanding or redeveloped light industrial uses adjoining low density residential areas within the residential preservation land use category shall mitigate potential negative impacts by providing a transitional development area between the light industrial uses and the low and

medium density residential uses. The factors cited in paragraph (e) below shall be considered when determining compatibility, design techniques and the size of the transitional development area.

The design and layout of adjoining light industrial uses shall be oriented to place the section of the development with the least potential negative impacts in the area next to the existing and/or future low density residential area in the residential preservation land use category. New light industrial land uses shall not be designated next to a residential preservation area.

d) Additional development requirements for allowed community facilities when adjoining low density residential areas, except for cemeteries or religious facilities to be used solely for religious functions. Such development requirements will also apply to ancillary facilities when proposed in conjunction with religious facilities, and are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the community facilities and the adjoining residential preservation area.

e) Land use compatibility with low density residential preservation neighborhoods

A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor. These factors shall also be used to determine the size of transitional development areas.

f) Limitations on Planned Unit Developments in the Residential Preservation land use category.

Planned Unit Developments proposed within the interior of a Residential Preservation designated recorded or unrecorded subdivisions shall be generally consistent with the density of the existing residential development in the recorded or unrecorded subdivision. Parcels abutting arterial roadways and/or major collectors may be permitted to achieve six dwelling units per acre.

The existing predominant development density patterns in Residential Preservation are listed in paragraph (g) below. Within 18 months of adoption, the PUD regulations shall be amended to include provisions addressing the preservation of established residential preservation designated areas. Said provisions shall address any proposed increase in density and the factors cited in paragraph (e) above.

g) Limitations on resubdivision of lots within established Residential Preservation designated areas.

To protect established single family neighborhoods from density intrusions, consistency within the recorded or unrecorded subdivision shall be the primary factor in granting approval for development applications. Consistency for the purposes of this paragraph shall mean that parcels proposed for residential development shall develop consistent with the lot size and density of the recorded or unrecorded subdivision.

Guidance on the resubdivision of lots in recorded and unrecorded single family subdivisions shall be provided in the Land Development Code.

Parcels proposed for residential development shall develop at densities generally consistent with the density of existing residential development in the recorded or unrecorded subdivision with the exception of parcels abutting arterial and/or major collector roadways which may be permitted up to six dwelling units per acre.

There may be two distinct density patterns in the Residential Preservation land use category as shown below:

<u>Existing land use character of the subdivision</u>	<u>Gross residential density</u>
Homogenous, very low density single family detached units (City Only)	0-3.6 dwelling units per acre (generally consistent with density of the subdivision)
Low density single family detached and/or non-single family detached units (including but not limited to townhomes and duplexes)	0-6.0 dwelling units per acre (generally consistent with density of the subdivision)

This section shall not be construed as to restrict the development of building types allowed by the applicable zoning district.

Policy 2.2.16: [L]

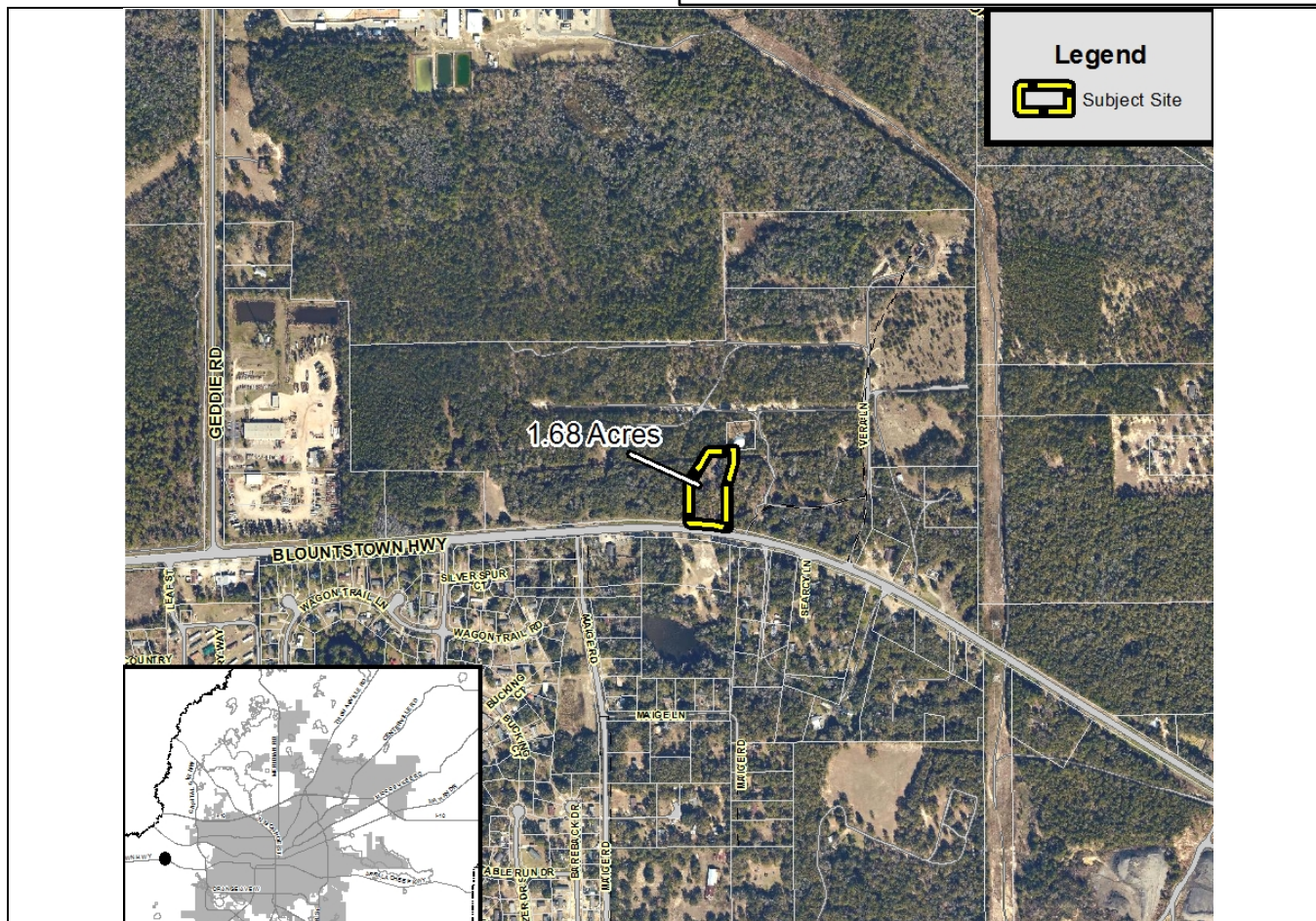
GOVERNMENT OPERATIONAL (EFF. 8/17/92; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 12/24/10)

Contains facilities, which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary, that provide for the operation of and provision of services on property owned or operated by local, state and federal government. The government facilities may include services and uses provided by private entities operating on property owned by the local, state, or federal government. These facilities shall include, but are not limited to:

Airports*	Offices
Correctional Facilities	Outdoor Storage Facilities
Courts Police/Fire Stations	
Electric Generating Facilities	Sanitary Sewer Percolation Ponds
Electric Sub-Stations	Sanitary Sewer Pump Stations
Health Clinics	Sanitary Sewer Sprayfields
Libraries	Vehicle Maintenance Facilities
Incinerators	Waste to Energy
Materials Recovery Facilities	Water Tanks
Museums	Water Treatment Plants
Postal Facilities	Water Wells

*Includes services and uses provided by private entities that are commonly located at commercial service airports.

2017 Comprehensive Plan Amendment Cycle
PCM201704
City of Tallahassee Utility Operations Site



Property Owner:	Property Location:	TLCPD Recommendation:
City of Tallahassee	North of Blountstown Highway and East of Geddie Lee Road	Approve
Applicant: TLCPD		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Stephen M. Hodges	<u>Future Land Use:</u> Urban Residential-2 <u>Zoning:</u> R-1 Single-Family Detached Residential & R-4 Urban Residential	Approve
Contact Information: Stephen.Hodges@talgov.com (850) 891-6408	Proposed Future Land Use & Zoning: <u>Future Land Use:</u> Government Operational <u>Zoning:</u> M-1 Light Industrial District	
Date: November 8, 2016	Updated: February 20, 2017	

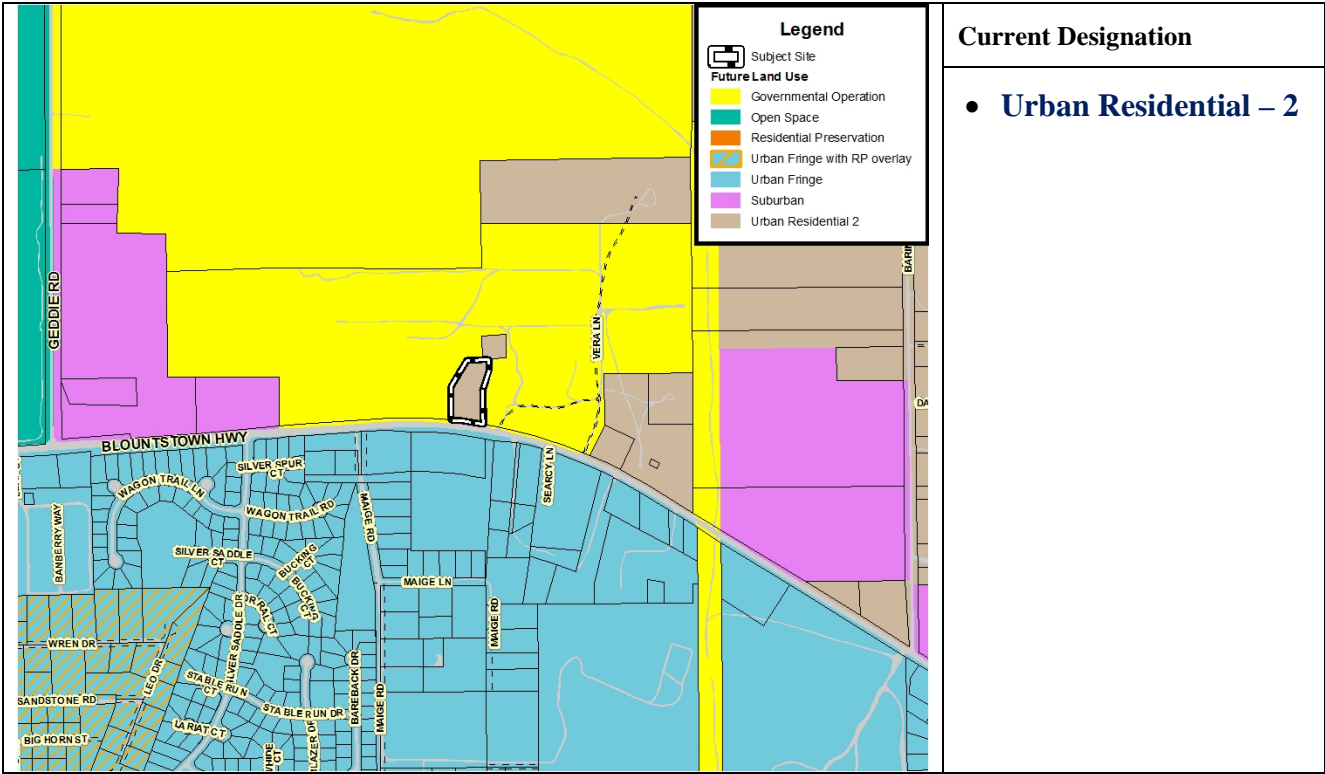
A. REASON FOR REQUESTED CHANGE

The City of Tallahassee's Electric Utilities Division requested that the Planning Department initiate a Future Land Use Map (FLUM) amendment to change the land use designation for a 1.68 acre parcel ("subject site") purchased by the City in April 2016. The subject site is adjacent to other City of Tallahassee-owned property immediately south of the Hopkins Power Generating Facility. The proposed land use change is intended to recognize the public ownership of the subject site and allow for the future development of electric generating facilities.

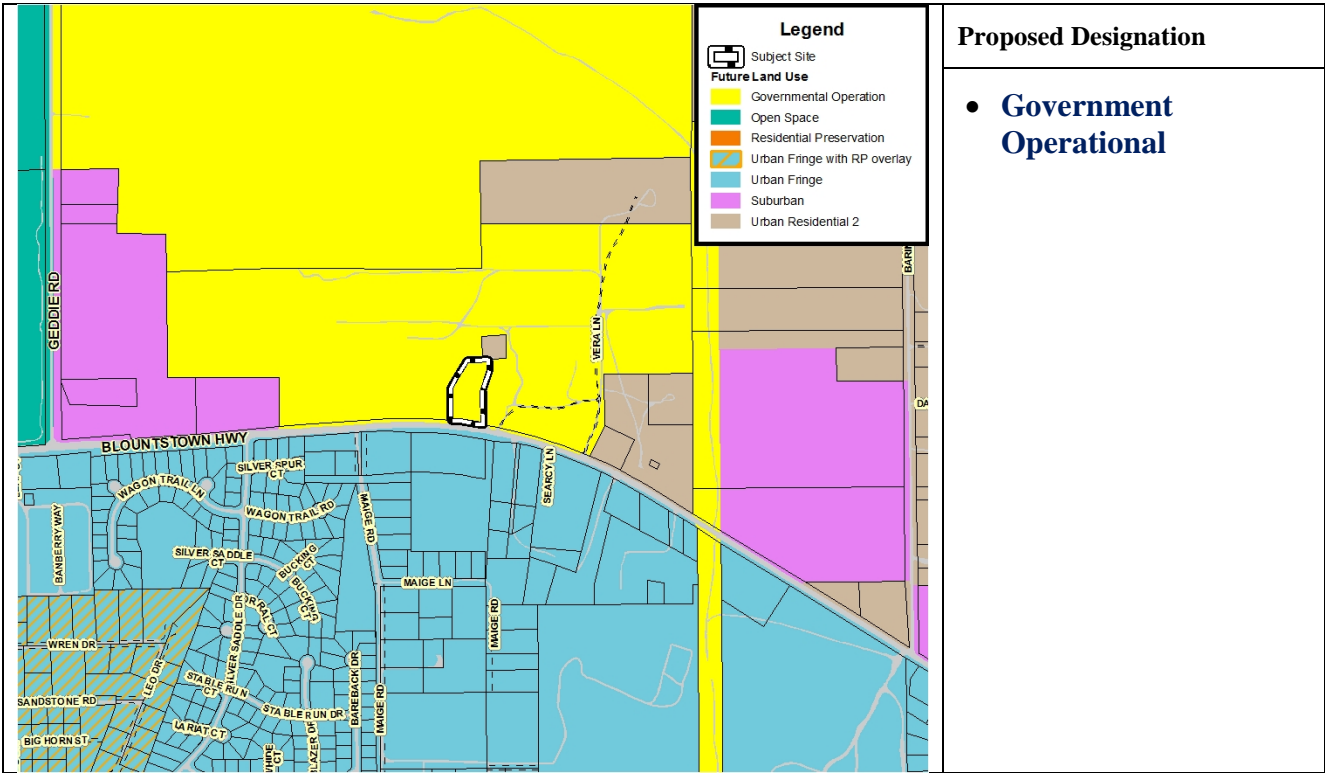
B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION

The proposed map amendment would change the FLUM designation of the subject site from Urban Residential-2 to Government Operational. The following maps illustrate the current and proposed FLUM designations for the subject site.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



C. STAFF RECOMMENDATION

Find the proposed amendment consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and **ADOPT** the proposed amendment.

Find that the proposed rezoning is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and **APPROVE** the proposed rezoning.

D. FINDINGS

Staff presents the following findings of fact:

1. The proposed FLUM designation and zoning district (and the intended use) of the subject site are consistent with that of the Hopkins power plant and adjacent 72-acre property.
2. The proposed amendment has no adverse impact on existing or planned infrastructure.
3. While the subject site is within the Urban Service Area, the current lack of sewer service within the area north of Highway 20 severely limits the development potential of the site under the current FLUM designation.

E. STAFF ANALYSIS

History and Background

The Hopkins power plant was originally built in 1971 to help provide electricity to the City of Tallahassee and surrounding urban area. It is located on 232 acres of land along Geddies Road, seven miles west of Tallahassee. The power plant occupies approximately one-third of the 232 acres. The remaining area is mostly forested and has limited development potential.

Although the power plant has been expanded several times over its lifetime, the remaining undeveloped portions of the site contain environmental features, such as wetlands that flood plain, severely limiting its future expansion.

To accommodate future growth of this facility, the City's Electric Utility Division purchased a 72-acre parcel immediately south of the plant in late 2011. This parcel has relatively few environmental constraints and 0.36 miles of frontage along Blountstown Highway (U.S. Hwy 20). It is mostly vacant and forested. The FLUM designation of this property was changed in the 2016 Comprehensive Plan Amendment Cycle from Suburban and Urban Residential-2 to Government Operational to allow the eventual use of the site for electric generating facilities.

The subject site is surrounded by the 72-acre parcel purchased by the City in 2011. The subject site was purchased by the City in early 2016, which was too late to be included in the comprehensive plan map amendment for the 72-acre parcel. It was previously used as a residence, but the existing house has been vacant for approximately five years. A Talquin Electric Cooperative water tower is located adjacent to the northeast corner of the subject site. An access road runs along the eastern boundary of the subject site.

The proposed use of the subject site and the 72-acre parcel which surrounds the subject site is to develop electric energy generating facilities. These facilities may include the following types of

activities: water facilities; natural gas and or propane facilities; warehousing; offices; vehicle fleet operations; renewable energy electric power generation; renewable energy combined with fossil fuel energy for electric power generations; the manufacturing/production, storage and transportation of alternative fuels; and/or electric power generation from fossil or other fuels.

Current and Proposed Land Use Categories

The following describes the current and proposed land use categories. Attachment #1 includes all relevant Comprehensive Plan policies, including their full text.

Urban Residential-2 (Current)

The primary intent of the Urban Residential - 2 land use category, which is to be applied only within the Urban Services Area, is to encourage residential uses within a range of density (4-20 dwelling units per acre), thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses.

Government Operational (Proposed)

The Government Operational (GO) category is intended to be applied towards government-owned lands which have various facilities such as Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary. No residential uses are permitted within this land use category.

Consistency with Comprehensive Plan

Policy 2.2.16: [L] creates the Government Operational Future Land Use category. This designation is applied to property owned or operated by local, state and federal government that that provide for the operation of and provision of community services, light infrastructure, heavy infrastructure, and post-secondary facilities.

The proposed Future Land Use designation of the subject site to Government Operational would be consistent with this policy, as this site is currently owned by the government and is intended to provide the operation and provision of electric generating community services, infrastructure, and/or facilities.

Policy 1.1.2: [L] requires that the improvement of capital infrastructure shall be provided within the designated urban service area and shall be phased over the life of the plan.

The provision of energy facilities on the subject site by the City of Tallahassee can be considered capital infrastructure, and the subject site is located within the Urban Service Area. Therefore, the proposed Future Land Use change would be consistent with this policy.

Policy 11.4.1: [L] requires, where environmentally, economically and geographically practical, new heavy infrastructure land uses such as waste water treatment plants, airports, correctional facilities, and power plants which serve larger than neighborhood areas, to be located in areas outside of the Southern Strategy Area.

The location of the subject site is outside of the Southern Strategy Area. Therefore, the proposed Future Land Use change would be consistent with this policy.

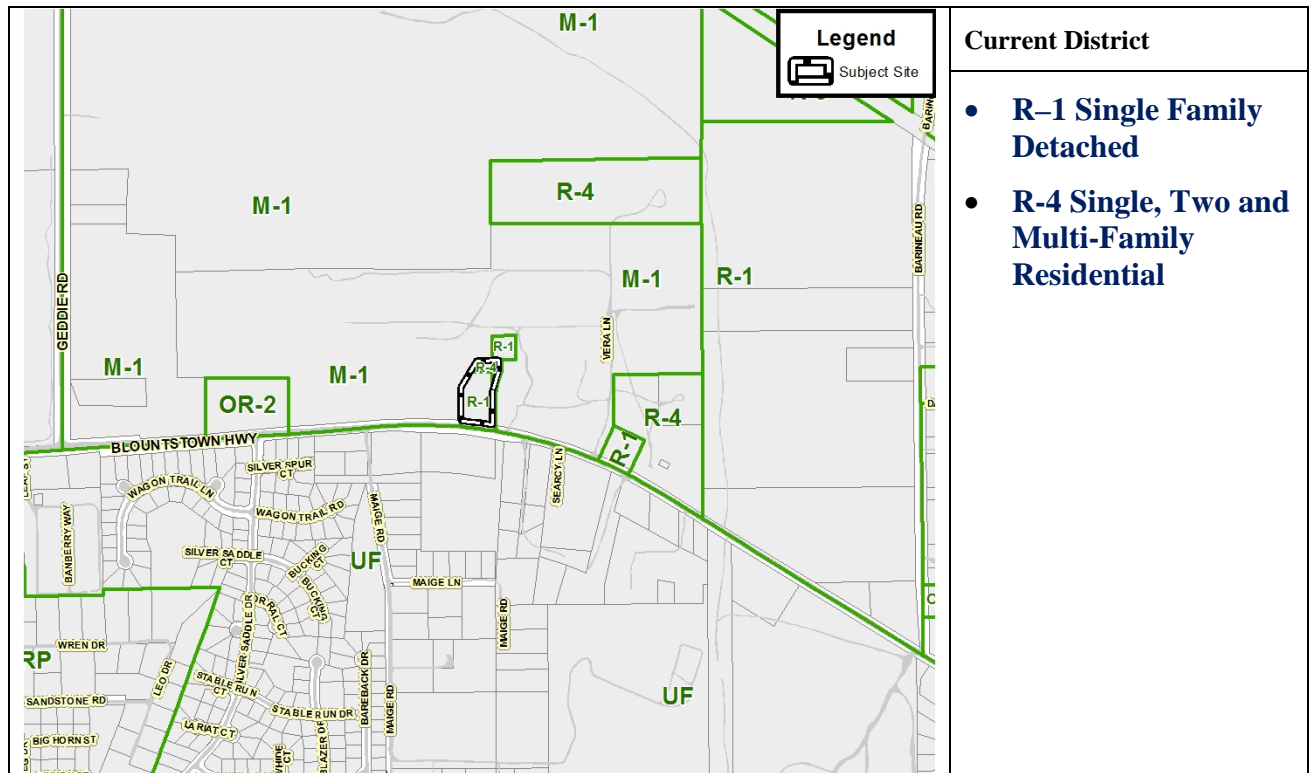
Zoning

The subject site is currently zoned Single-Family Detached Residential (R-1) and Urban Residential (R-4). The R-1 zoning district is primarily a low-density residential district that allows golf courses, passive and active recreational facilities, and single-family detached dwellings. The R-4 zoning district allows a variety of uses, including multifamily residential, retail, office, and professional services.

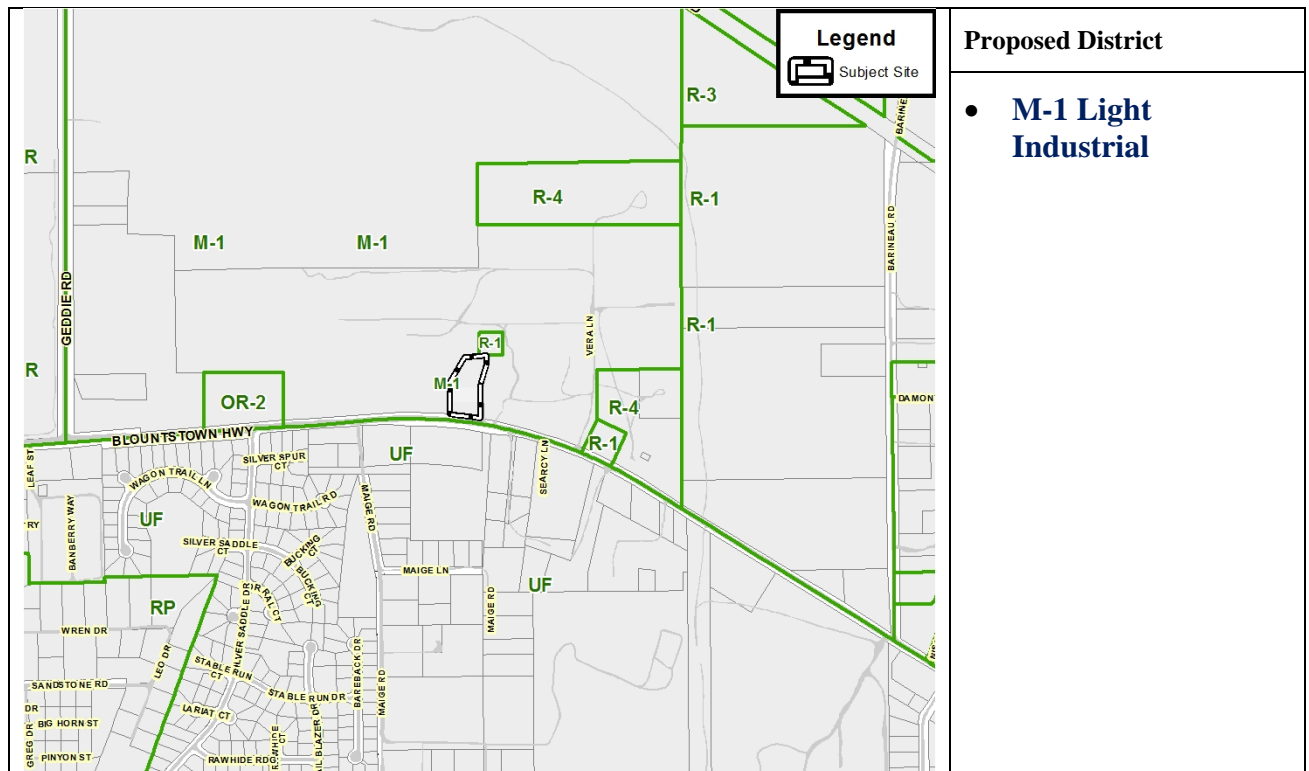
Consistent with the proposed FLUM amendment, a concurrent rezoning is being processed to change the zoning of the subject site to M-1 Light Industrial District. Both the Hopkins power plant and the City-owned 72-acre parcel west, north, and east of the subject site are zoned M-1 Light Industrial District.

The following maps illustrate the current and proposed zoning for the subject site.

Current Zoning



Proposed Zoning

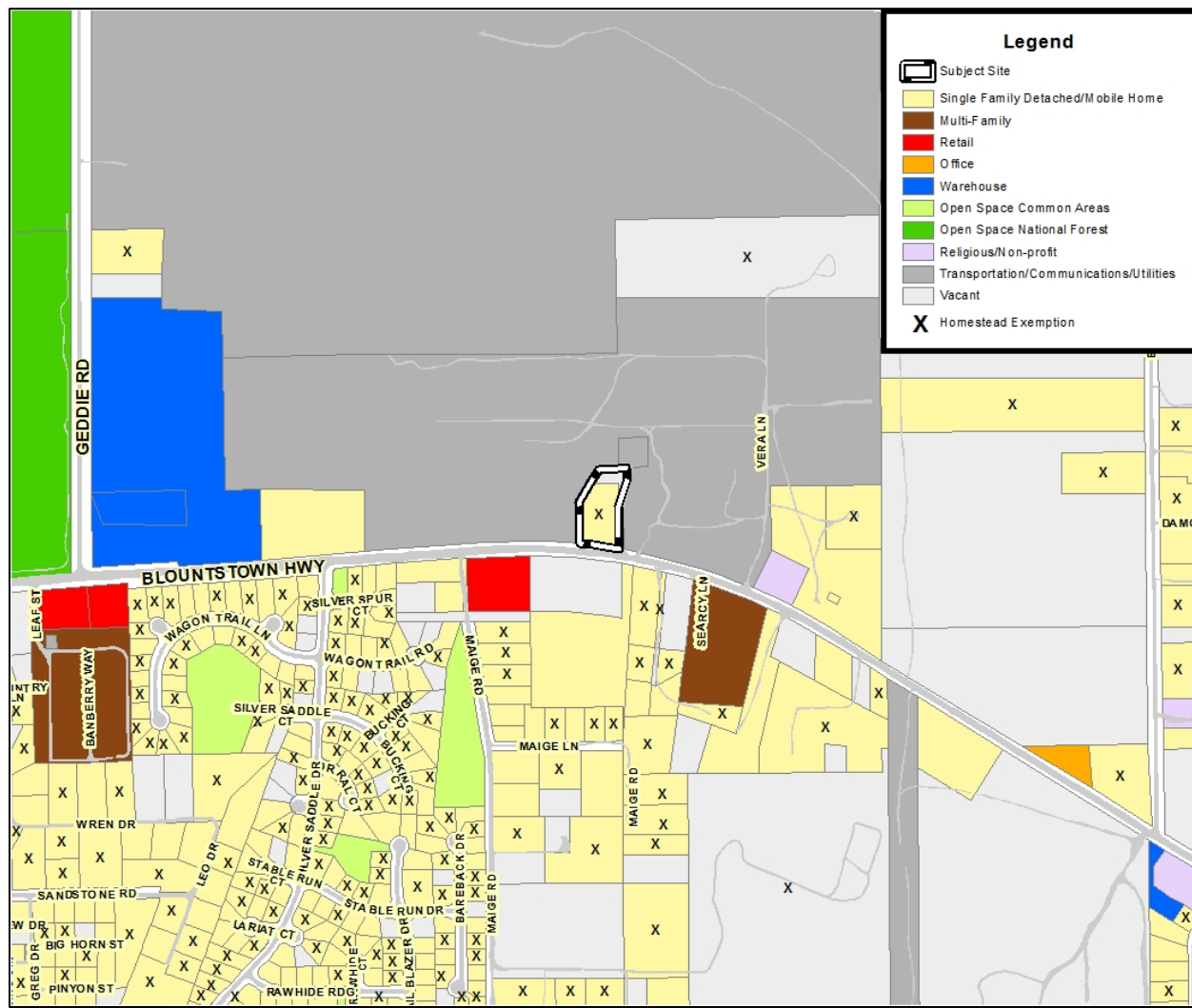


Existing Land Uses

The following Existing Land Use Map indicates the use of the subject site as a mix of single family/detached/mobile home and vacant uses.

The existing land uses surrounding the subject site include the Hopkins power plant to the north, the City's 72-acre parcel an industrial warehouse and parking area for a land clearing and earthmoving business to the west, and a mix of vacant and small and large-lot residential areas on the south side of Highway 20 (Blountstown Highway).

Existing Land Use Map



Infrastructure Analysis

Water/Sewer

The subject site is within the Urban Service Area. It is also within the Talquin Electric Cooperative franchise area for water and sewer. Talquin currently provides potable water and sewer services to a residential subdivision (“Sandstone Ranch”) on the south side of Blountstown Highway, and to the Crowder land clearing company property to the west. The Hopkins Power Plant currently has City of Tallahassee potable water and sewer services.

If the proposed Future Land Use designation of the subject site is adopted and the site developed with energy facilities, it is likely that the impact on available water and sewer services would be less than if the subject site were developed as a residential area with the allowable density for the current land use designation.

Schools

The proposed amendment will result in a net reduction in residential units; therefore, there are no projected impacts to student capacity at Leon County schools.

Roadway Network

The subject site borders U.S. Highway 20 (Blountstown Highway), a principal arterial, and is approximately 700’ east of Geddie Road, a major collector. The potential impacts of the proposed land use change to the capacity of these roadways will depend upon the ultimate use of the subject site. If the site and the adjacent 72-acre City-owned parcel are developed with energy facilities that do not require a large number of employees, the impact on local roadway capacity is likely to be significantly less than that potentially generated by the current land use and zoning designations. Any proposed development of the subject site will be evaluated for transportation impacts and mitigation by existing local government concurrency regulations at the time of site plan submittal.

Pedestrian and Bicycle Network

There are no pedestrian or bicycle facilities proximate to the subject site.

Transit Network

The subject site is not currently served by StarMetro.

Environmental Analysis

Environmental Features

The subject site is within the Lake Munson drainage basin. County environmental data indicate no known protected environmental features on the site.

F. PUBLIC OUTREACH AND NOTIFICATION

Public notices were sent to 42 property owners within 1,000 feet of the subject site. Below is a list of all outreach and notification to the public regarding this proposed amendment:

Public Outreach		Date	Details
X	Mail Notification of Proposed Changes	November 4, 2016	Notices Mailed to Property Owners within 1000 feet
X	Notice of Proposed Land Use Change and Rezoning	January 6, 2017	Two signs providing details of proposed land use and zoning changes posted on subject site
X	First Public Open House	November 17, 2016	5:30 PM, Second Floor, Frenchtown Renaissance Center
X	Staff Reports Available Online	January 13, 2017	Email Subscription Notice sent to all users of service
X	Second Public Open House	January 23, 2017	5:30 PM, City Commission Chambers, City Hall

First Public Open House - November 17, 2016: 124 citizens attended the first open house to discuss the 2017 Cycle amendments. No citizens were in attendance specifically to discuss this proposed amendment.

Second Public Open House – January 23, 2017: 110 citizens attended the second open house to discuss the 2017 Cycle amendments. Of the 110 attendees, none were present to discuss this amendment.

G. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2017 Meetings		Dates	Time and Locations
X	Local Planning Agency Workshop	January 19, 2017	9:00 AM, Second Floor, Frenchtown Renaissance Center
X	Local Planning Agency Public Hearing	February 7, 2017	6:00 PM, City Commission Chambers, City Hall
	Joint City-County Commission Workshop	March 7, 2017	1:30 PM, City Commission Chambers, City Hall
	Joint City-County Transmittal Public Hearing	April 4, 2017	6:00 PM, City Commission Chambers, City Hall
	Joint City-County Adoption Public Hearing	May 23, 2017	6:00 PM, City Commission Chambers, City Hall

Local Planning Agency Public Hearing - February 7, 2017: The Local Planning Agency recommended approval of this proposed amendment.

H. ATTACHMENTS

Attachment #1: Complete Text of Comprehensive Plan Policies:

1. Policy 2.2.16: [L] Government Operational and Policy 2.2.24: [L] Urban Residential 2

Complete Text of Comprehensive Plan Policies
Referenced in PCM201704 Report

Policy 2.2.16: [L]

GOVERNMENT OPERATIONAL (EFF. 8/17/92; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 12/24/10)

Contains facilities, which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary, that provide for the operation of and provision of services on property owned or operated by local, state and federal government. The government facilities may include services and uses provided by private entities operating on property owned by the local, state, or federal government. These facilities shall include, but are not limited to:

Airports*	Offices
Correctional Facilities	Outdoor Storage Facilities
Courts	Police/Fire Stations
Electric Generating Facilities	Sanitary Sewer Percolation Ponds
Electric Sub-Stations	Sanitary Sewer Pump Stations
Health Clinics	Sanitary Sewer Sprayfields
Libraries	Vehicle Maintenance Facilities
Incinerators	Waste to Energy
Materials Recovery Facilities	Water Tanks
Museums	Water Treatment Plants
Postal Facilities	Water Wells

*Includes services and uses provided by private entities that are commonly located at commercial service airports.

Policy 2.2.24: [L] (Revision Effective 7/26/06; Revision Effective 3/14/07)

URBAN RESIDENTIAL 2

The primary intent of the Urban Residential 2 land use category, which is to be applied only within the Urban Services Area, is to encourage a range of density (4-20 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district(s) shall contain design standards as well as locational criteria in order to accomplish these goals. The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential 2 may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing designated residential preservation area. The maximum residential density within the Urban Residential 2 category is 20 units per acre.



SUMMARY

Property Owners:	Property Location:	TLCPD Recommendation:
Jubilee Homes	Southeastern corner of the intersection of Old St. Augustine Road and Capital Circle Southeast.	Approve
Applicant:		
Leon County		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Julie Christesen	<u>Future Land Use:</u> Urban Residential-2 <u>Zoning:</u> General Commercial	Approve
Contact Information:	Proposed Future Land Use & Zoning:	
Julie.Christesen@talgov.com (850) 891-6433	<u>Future Land Use:</u> Suburban <u>Zoning:</u> No change	
Date: December 21, 2016	Updated: February 21, 2017	

A. REASON FOR REQUESTED CHANGE

This is a request to change the Future Land Use Map (FLUM) designation of the subject site, a portion of the Thomas Park Subdivision, from Urban Residential-2 (UR-2) to the Suburban (SUB) land use category. The subject site consists of 1.02 acres and is located at the southeastern corner of Capital Circle Southeast and Old St. Augustine Road. The property is currently zoned C-2 General Commercial District. No rezoning is proposed for the subject site.

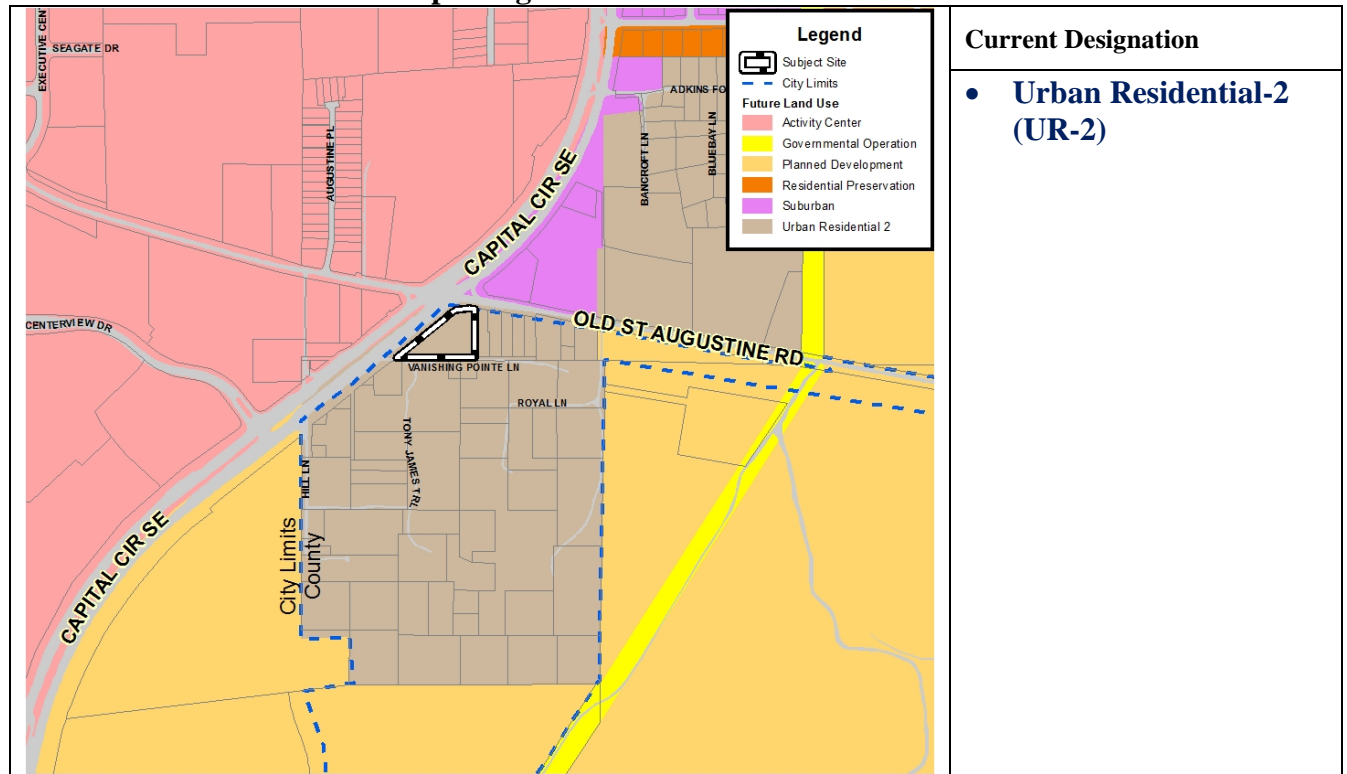
This map amendment has been initiated by the Tallahassee-Leon County Planning Department to correct an inconsistency that resulted during the Comprehensive Plan Reform project in 2006. Comprehensive Plan Reform re-designated over 28,000 parcels from Mixed Use to new future land use categories. During the Comprehensive Plan Reform effort, the subject site was changed from Mixed Use C to Urban Residential- 2, which was not consistent with the historic zoning of the site. The proposed comprehensive plan map amendment would correct this inconsistency.

B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION

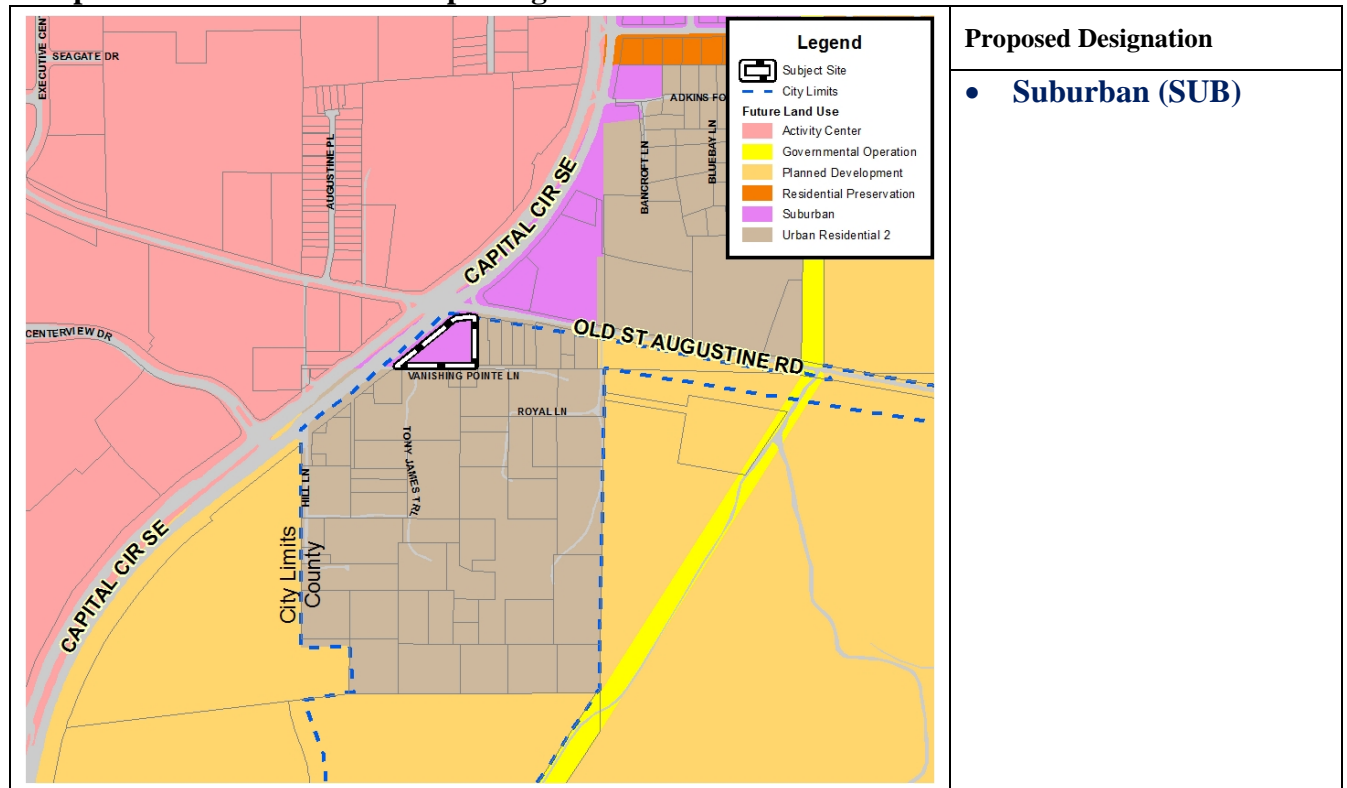
The subject site is currently designated Urban Residential-2 on the Future Land Use Map (FLUM). The proposed amendment would change the FLUM designation of the area to Suburban.

The following maps illustrate the current and proposed FLUM designations for the subject site.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



C. STAFF RECOMMENDATION

Find that the proposed future land use map amendment is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and ADOPT the proposed amendment.

D. FINDINGS

Staff presents the following findings of fact:

1. This site is currently zoned for commercial use, and under the land use category UR-2 commercial uses are not permitted. The surrounding sites are designated Suburban, Activity Center (AC), and Urban Residential-2. The adjacent site to the northeast is categorized Suburban with the same zoning as the subject site.
2. The subject site does not require rezoning, as it has been zoned C-2 since 1980 when Leon County Ordinance 80-60 (Attachment #1) amended the Official Zoning Map to include the subject site in the C-2 General Commercial District.
3. As part of a larger effort to phase out the Mixed Use land use category during the 2006-2 Comprehensive Plan Amendment Cycle, the FLUM designation of the site from was changed from “Mixed Use” to the “Urban Residential-2” category. This amendment to the Future Land Use Map resulted in the inconsistency between the zoning and the future land use on the subject site.
4. Section 10-6.647 C-2 General Commercial District, Leon County Land Development Code states, “The C-2 district is intended to be located in areas designated Bradfordville Mixed Use, Suburban or Woodville Rural Community on the Future Land Use Map of the Comprehensive Plan shall apply to areas with direct access to major collector or arterial roadways located within convenient traveling distance to several 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.”
5. The proposed amendment has no adverse impact on existing or planned infrastructure.

E. STAFF ANALYSIS

History and Background

On November 30, 2016, Leon County Department of Development Support and Environmental Management held an Application Review Meeting for a Jubilee Homes Sales Center proposed at the southeastern corner of the intersection of Old St. Augustine Road and Capital Circle Southeast. Staff noted the subject site is zoned C-2, General Commercial, but is designated Urban Residential-2 on the Comprehensive Plan’s Future Land Use Map (FLUM) (report included as Attachment #2).

Urban Residential-2 does not permit commercial development, so the Planning Department found the zoning of the site to be inconsistent with the (FLUM) designation. To correct this inconsistency, a comprehensive plan map amendment is proposed.

Current and Proposed Future Land Use Categories

The following text describes the current and proposed land use categories. Attachment #3 includes the full text of all relevant policies.

Urban Residential-2 (UR-2) (Current)

The intent of the UR-2 designation, to be applied only within the Urban Services Area, is to encourage a range of density housing, therefore promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable use. Urban Residential-2 may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities.

Suburban (SUB) (Proposed)

The SUB designation 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 should be located near residential areas, if possible within walking distance. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category.

Consistency with Comprehensive Plan

Policy 2.2.5: [L] implements the Suburban land use policy. The Suburban designation 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 should be located near residential areas, if possible within walking distance. The category predominantly consists of single-use projects that are interconnected whenever feasible. 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. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

Consistent with the policy, the proposed amendment is outside of the Central Core and would allow for economic investment at the intersection of a principle arterial and a minor arterial. It is within walking distance to residential development, and is connected by sidewalks along Capital Circle SE. Requisite infrastructure is available at the site. For more information on available infrastructure, please see the infrastructure analysis section of this staff report.

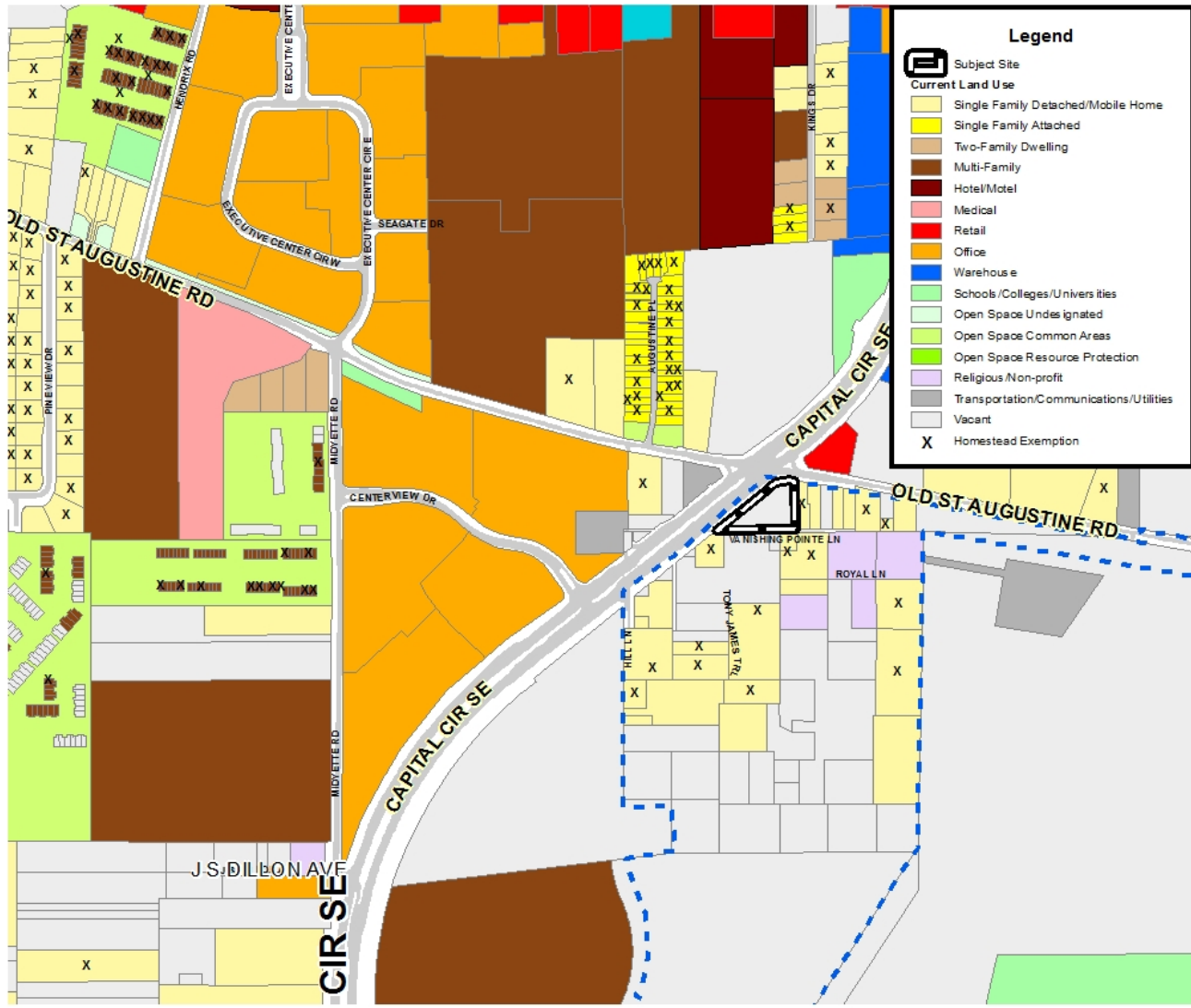
Zoning

The current zoning designation for the subject site is General Commercial District (C-2). The C-2 General Commercial District is intended for areas with direct access to major collector or arterial roadways located within convenient traveling distance to several 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.

Existing Land Uses

The subject site is currently vacant. The surrounding the subject site is a mix of uses, including office, retail, religious/non-profit and single family detached.

Existing Land Use Map



Infrastructure Analysis

Water/Sewer

The subject site is currently served by City of Tallahassee potable water and sewer services. Adequate potable water and sewer capacity exists to accommodate development of the site under the proposed land use and zoning.

Schools

The subject site is zoned for Conley Elementary School, Fairview Middle School, and Rickards High School. The Leon County School Board is currently reviewing school impacts; however, the proposed development is commercial (not residential).

Roadway Network

The subject site is located in between Capital Circle SE, a major arterial, Old St. Augustine, a minor arterial, and Vanishing Point Lane, a local road. The subject site is located outside of the Multimodal Transportation District (MMTD.) The Leon County Development Support and Environmental Management Department reviewed the application for concurrency determination for the proposed Jubilee Home Sales project on the subject site and determined segments that require mitigation. The property owner and developer may (1) delay the project, (2) enter into a concurrency agreement and pay the appropriate mitigation fee (preliminary estimated to be \$72,764), phase the project to reduce impact, or (4) reduce the scope of the project.

Pedestrian and Bicycle Network

Sidewalks exist along Capital Circle SE. There are no sidewalks on Vanishing Point Lane or Old St. Augustine near the subject site. Bicycle Lanes are available on Capital Circle SE.

Transit Network

The subject site is not directly served by the transit. However, the subject site is in close proximity to the Southwood route with bus stops approximately 0.5 mile away.

Environmental Analysis

The subject site is located in the Woodville Recharge Basin, and there are no known protected environmental features on the subject site.

PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to 97 property owners within 1,000 feet of subject site.

Public Outreach		Date	Details
X	Mail Notification of Proposed Changes	12/20/2016	Notices Mailed to Property Owners within 1000 feet
X	Notice of Proposed Land Use Change and Rezoning	01/04/2017	Two signs providing details of proposed land use and zoning changes posted on subject site
X	Staff Reports Available Online	01/13/2017	Email Subscription Notice sent to all users of service
X	Public Open House	01/23/2017	5:30 PM, City Hall, 300 South Adams Street

Public Open House – January 23, 2017: 110 citizens attended the open house to discuss the 2017 Cycle amendments. Of the 110 attendees, none were present to discuss this amendment.

F. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2016 Meetings		Dates	Time and Locations
X	Local Planning Agency Workshop	January 19, 2017	9:00 AM, Second Floor, Frenchtown Renaissance Center
X	Local Planning Agency Public Hearing	February 7, 2017	6:00 PM, City Hall 300 South Adams Street
	Joint City-County Commission Workshop	March 7, 2017	1:30 PM, City Hall 300 South Adams Street
	Joint City-County Transmittal Public Hearing	April 4, 2017	6:00 PM, City Hall 300 South Adams Street
	Joint City-County Adoption Public Hearing	May 23, 2017	6:00 PM, City Hall 300 South Adams Street

Local Planning Agency Public Hearing - February 7, 2017: The Local Planning Agency recommended approval of this proposed amendment with a 6-0 vote.

G. ATTACHMENTS

- Attachment #1: Leon County Ordinance 80-61
- Attachment #2: The Comprehensive Plan's Future Land Use Map (FLUM), focused on the subject site.
- Attachment #3: Complete Text of Comprehensive Plan Policies:
1. Policy 2.2.24 [L] Urban Residential-2
 2. Policy 2.2.5 [L] Suburban



FLORIDA DEPARTMENT OF STATE

George Firestone

Secretary of State

Ron Levitt

Assistant Secretary of State

November 14, 1980

Honorable Paul F. Hartsfield
Clerk of Circuit Court
Leon County
Post Office Box 726
Tallahassee, FL 32302

Attention: Robert D. McRae, Deputy Clerk

Dear Mr. Hartsfield:

Pursuant to the provisions of Section 125.66, Florida Statutes,
this will acknowledge:

1. Receipt of your letter/s of November 14
and certified copy/ies of Leon
County Ordinance/s No./s 80-57, 80-58, 80-59, 80-60
and 80-61
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these Ordinance/s in this office
November 14, 1980.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

Nancy Kavanaugh mb

(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/mb



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State
Ron Levitt
Assistant Secretary of State

November 14, 1980

Honorable Paul F. Hartsfield
Clerk of Circuit Court
Leon County
Post Office Box 726
Tallahassee, Florida 32302

Attention: Robert D. McRae, Deputy Clerk

Dear Mr. Hartsfield:

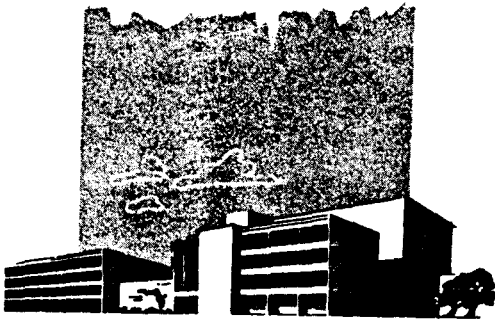
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of November 14
and certified copy/ies of Leon
County Ordinance/s No./s 80-61
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ Ordinance/s in this office
November 14, 1980.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

Nancy Kavanaugh mb
(Mrs.) Nancy Kavanaugh
Chief, Bureau of Laws

NK/ mb



Paul F. Hartsfield

CLERK OF THE CIRCUIT COURT — LEON COUNTY, FLORIDA

P. O. Box 726 • Tallahassee, Florida 32302

CLERK OF THE CIRCUIT COURT

Criminal Division
Juvenile Division
Probate Division
Civil Division

November 14, 1980

Mrs. Nancy Kavanaugh
Bureau Chief
Laws and Administrative Code
Secretary of State
The Capitol
Tallahassee, Florida 32304

Dear Mrs. Kavanaugh,

Pursuant to the provisions of Section 136.66, Florida Statutes, enclosed are true copies of Leon County Ordinance Numbers 80-57, 80-58, 80-59, 80-60 and 80-61 as adopted by the Board of County Commissioners at their regular meeting of August 30, 1980.

Sincerely,

Paul F. Hartsfield
Clerk of the Circuit Court

A handwritten signature in cursive script, reading "Robert D. McRae".

by: Robert D. McRae
Deputy Clerk

RDM/sv

Attachments - 5

CLERK OF THE COUNTY COURT

Misdemeanor Division
Traffic Division
Civil Division

**CLERK TO BOARD OF COUNTY COMMISSIONERS
COUNTY AUDITOR
COUNTY RECORDER**

RECEIVED

Our letter dated Nov. 14, 1980

1980 NOV 17 PM 2:18

received in your most likely on
11/17 should have read

80-57, 80-58, 80-59, 80-60 and 80-61

(added 80-61) (Correct letter attached.)

LEON COUNTY ORDINANCE NO. 80-60

AN ORDINANCE AMENDING LEON COUNTY
ORDINANCE NO. 70-4 TO PROVIDE FOR A
CHANGE IN ZONE CLASSIFICATION FROM
AGRICULTURAL 2 TO COMMERCIAL 2 IN
LEON COUNTY, FLORIDA, AND PROVIDING
AN EFFECTIVE DATE.

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

SECTION 1. The Official Zoning Map as adopted in Section
3.2 of Leon County Ordinance No. 70-4 is hereby amended as it pertains to
the following described property:

PROPERTY OF WARREN WISE:

Lots 2, 3, 4, 5, and 6 of Thomas Park Subdivision, as per plat thereof
recorded in Plat Book 4, page 5, of the Public Records of Leon County,
Florida, LESS right of way of State Roads S-261 and S-263.

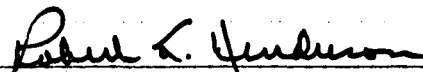
from Agricultural 2 to Commercial 2 and such property shall hereafter be
designated as and included in such Commercial 2 district as described
above.

SECTION 2. All Ordinances or parts of Ordinances in
conflict herewith be, and the same are, hereby repealed.

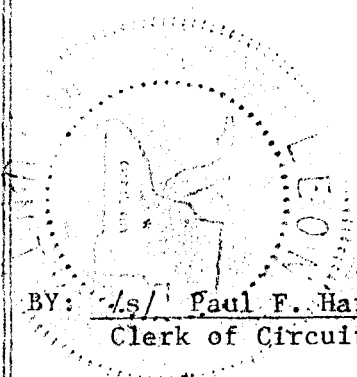
SECTION 3. This Ordinance shall become effective as
provided by law.

SECTION 4. Approved by the Board of County Commissioners
of Leon County, Florida, in regular meeting duly assembled this 4th day
of November, A. D. 1980.

LEON COUNTY, FLORIDA





Robert K. Henderson, Chairman
Board of County Commissioners

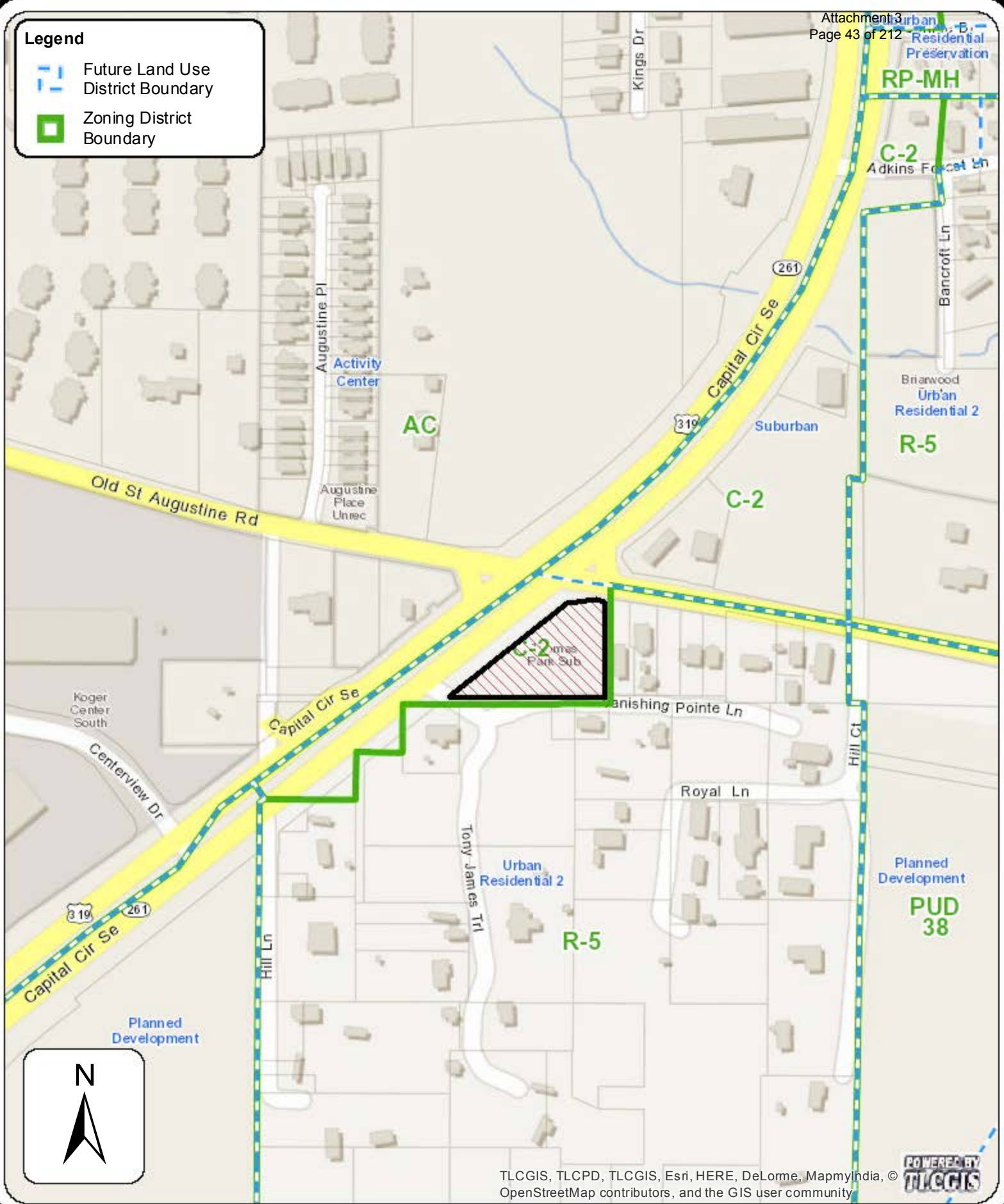


BY: /s/ Paul F. Hartsfield
Clerk of Circuit Court

BY: Sam Hurst
Sam Hurst, D. C.

Legend

-  Future Land Use District Boundary
-  Zoning District Boundary



TLCGIS, TLCPD, TLCGIS, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



Subject Site

DISCLAIMER

This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Scale:

Not To Scale

Posted 3:00 p.m. Feb 15, 2017

Date Drawn:

December 1, 2016

Tallahassee/Leon County GIS

Management Information Services

Leon County Courthouse

601 S. Monroe St, P3 Level

Tallahassee, FL 32301

850/606-5504

<http://www.tlccgis.org>

Policy 2.2.24: [L] URBAN RESIDENTIAL 2 (REV. EFF. 7/26/06; REV. EFF. 3/14/07; REV. EFF. 1/22/16) The primary intent of the Urban Residential 2 land use category, which is to be applied only within the Urban Services Area, is to encourage a range of density (4-20 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district(s) shall contain design standards as well as locational criteria in order to accomplish these goals. The Urban Residential category allows townhouses, single family detached, two-family, and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential 2 may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing designated residential preservation area, unless to correct, legal nonconforming uses and/or densities. The maximum residential density within the Urban Residential 2 category is 20 units per acre.

Policy 2.2.5 SUBURBAN (EFF. 3/14/07)

To create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.

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

Development shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Suburban Intensity Guidelines (EFF. 3/14/07; REV. EFF. 7/14/14)

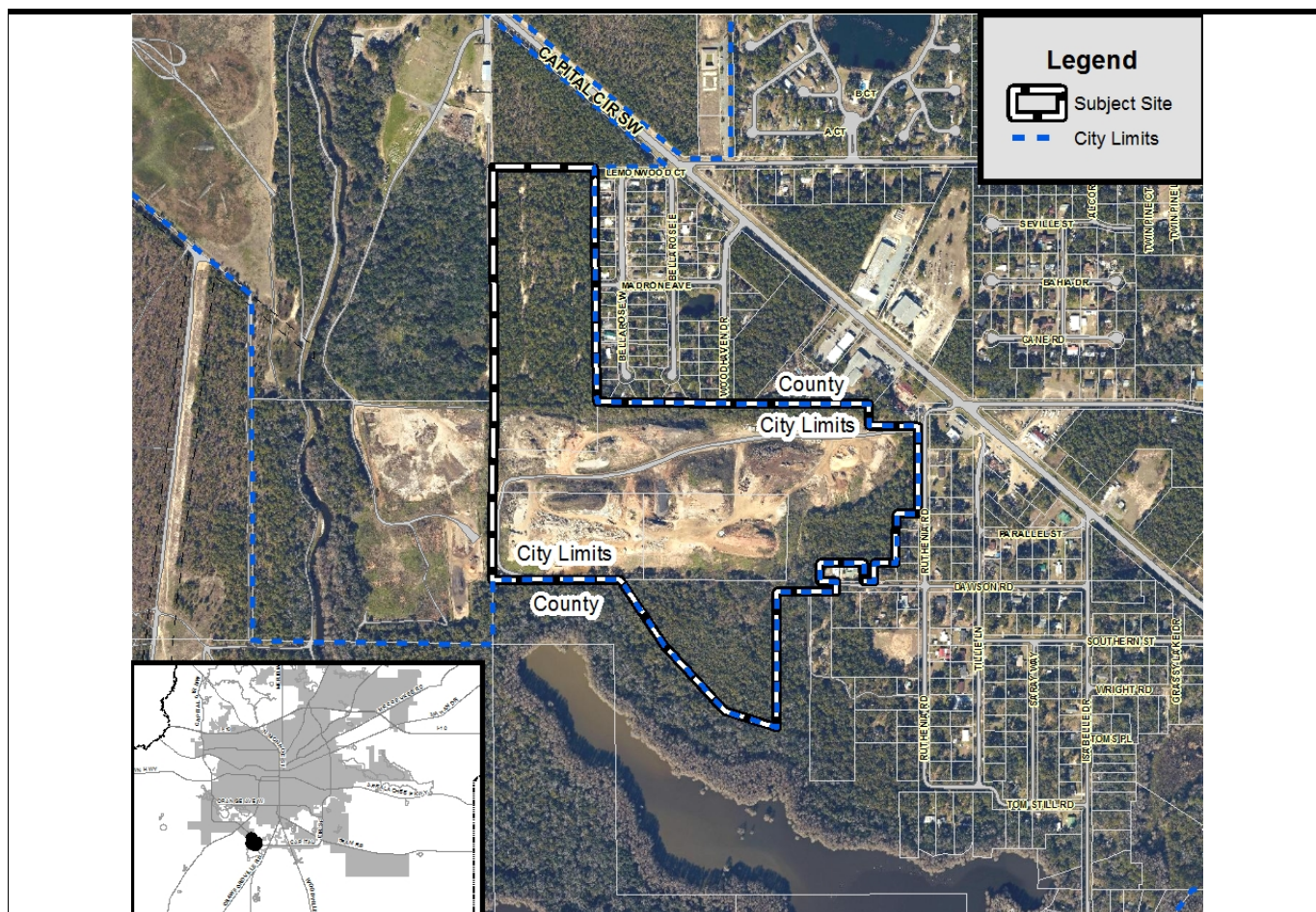
Table 4: Suburban Intensity Guidelines

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Low Density Residential	Residential, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ ACRE ⁽⁴⁾	10,000 SQ FT/ACRE	65-80%
Low Density Residential Office	Residential, Office, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ ACRE ⁽⁴⁾	10,000 SQ FT/ACRE ⁽⁵⁾	
Medium Density Residential	Residential, Recreation, Light Infrastructure & Community Service	8 to 16 UNITS/ ACRE	20,000 SQ FT/ACRE	
Medium Density Residential Office	Residential, Office, Ancillary 1 st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post-Secondary Schools	8 to 20 UNITS/ ACRE	20,000 SQ FT/ACRE ⁽⁶⁾	65-80%

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Village Center	Residential, Office, Commercial up to 50,000 SQ FT, maximum business size. Centers shall not be located closer than ¼ mile to another village center or commercial development including more than 20,000 SQ FT of floor area.	8 to 16 UNITS/ ACRE	12,500 SQ FT/ACRE per parcel for center 20 acres or less ⁽⁷⁾	35-50%
Urban Pedestrian Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 16 UNITS/ ACRE ⁽²⁾	Up to 20,000 SQ FT/ACRE ⁽³⁾	
Suburban Corridor	Residential, Office, Commercial, Recreation, Light & Heavy Infrastructure & Community Service	Up to 16 UNITS/ ACRE	Up to 25,000 SQ FT/ACRE ⁽⁸⁾	
Medical Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 20 UNITS/ ACRE ⁽²⁾	80,000 SQ FT/ACRE ⁽²⁾	5-10%
Business Park	Office, Residential and Commercial	Up to 16 UNITS/ ACRE	20,000 SQ FT/ ACRE	
Light Industrial	Office, Commercial up to 10,000 SQ FT per business, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service & Post-Secondary Schools and ancillary residential	1 UNIT/ DEVELOPMENT	20,000 SQ FT/ ACRE ⁽⁹⁾	

Notes: (1) 8 units/acre minimum for exclusively residential; (2) Hospitals up 176,000 sq ft/acre; (3) 20 units/acre and 40,000 sq ft/acre for multiple use development; Combined residential and non-residential development may have up to 40,000 SF and up to a six story building. Residential use, office use and commercial use is allowed. (4) Low Density Residential and Residential Office development patterns can have a minimum of 1 unit per acre if water and sewer are not available. (5) The maximum square footage is increased to 12,500 SF if the project is a mixed use development. (6) The maximum square footage increases to 40,000 SF per acre and maximum height increases to six stories if 50% of parking is structured. This provision only applies to areas previously designated as Mixed Use C (7) 250,000 SF of total development permitted on 20 to 30 acre centers. (8) Storage areas may be 50,000 SF per acre. Office and Retail is allowed. (9) Storage areas may be 50,000 SF per acre.

While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium density residential, office, retail and light industrial development. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.



SUMMARY

Property Owners:	Property Location:	TLCPD Recommendation:
AG Sandy Properties, LLC Sandco, Inc.	South of Capital Circle SW and north of Lake Munson	Approve with modification
Applicant:		
Same		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Stephen M. Hodges	Future Land Use: Urban Residential-2, Residential Protection Zoning: R-1, R-2, & RP Single Family Detached	Deny
Contact Information:	Proposed Future Land Use & Zoning:	
Stephen.Hodges@talgov.com (850) 891-6408	Future Land Use: Suburban Zoning: M-1 Light Industrial, C-2 General Commercial	
Date: November 14, 2016	Updated: February 22, 2017	

A. REASON FOR REQUESTED CHANGE

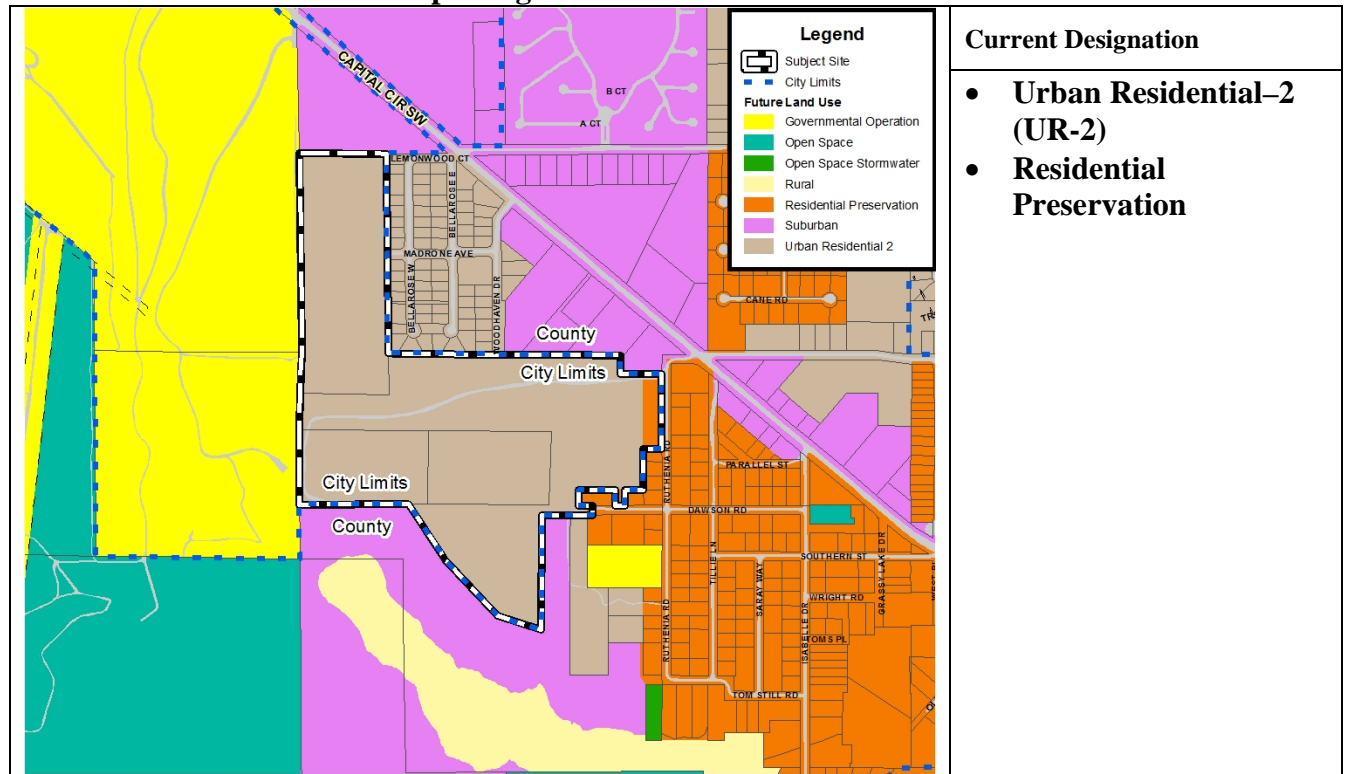
According to the applicant, the proposed land use change and rezoning is intended to “correct and/or resolve a non-conformance of allowable use on the property. This non-conformance was created by the local government when the property was annexed and the Future Land Use and Zoning were asserted on the property.”

B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION

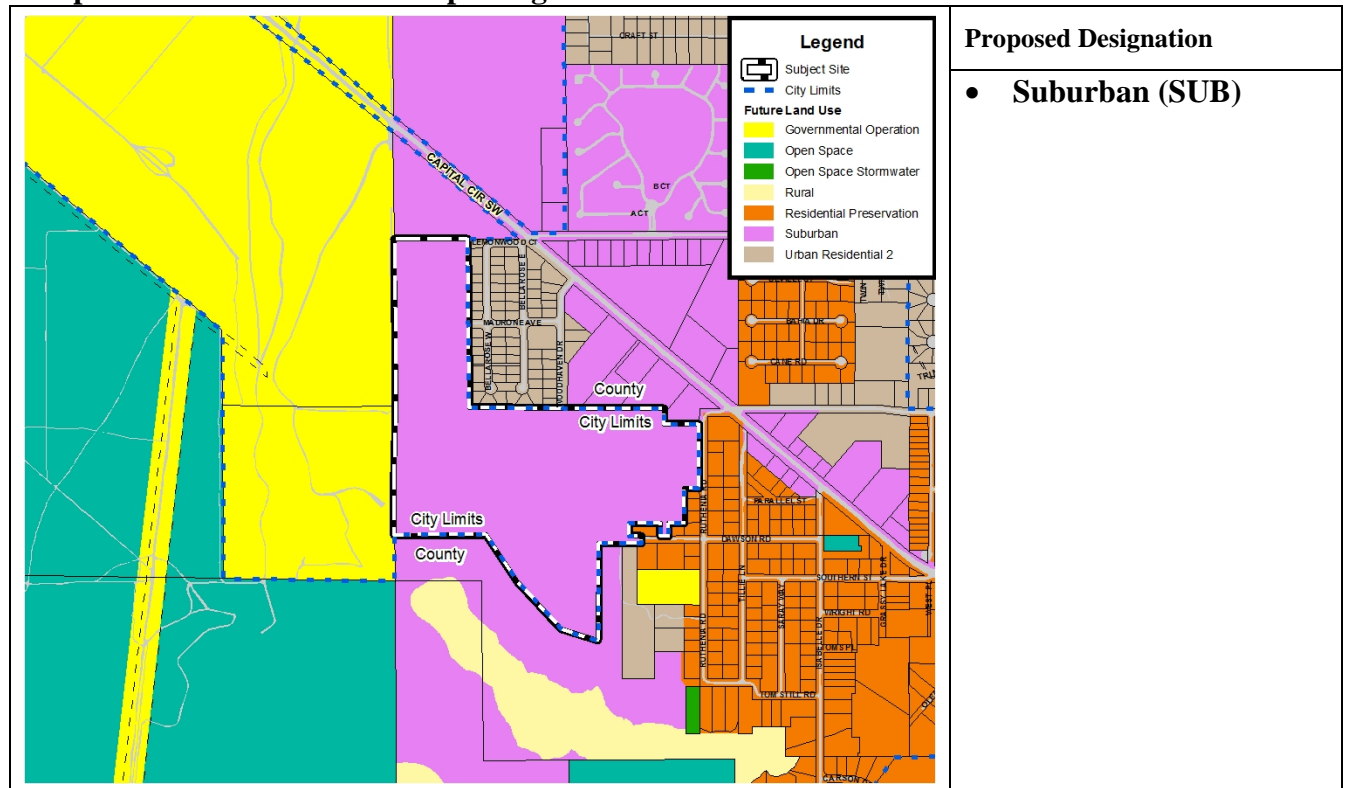
The proposed map amendment would change the Future Land Use Map (FLUM) designation for approximately 77.9 acres from Urban Residential-2 (UR-2) to Suburban. The subject site is located southwest of Capital Circle SW, within the City of Tallahassee and the existing Urban Service Area (USA).

The following maps illustrate the current and proposed FLUM designations for the subject site.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



C. STAFF RECOMMENDATION

Find that the proposed amendment as modified (see *Analysis and Recommendations* section of this staff report for modification) is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and ADOPT the proposed amendment as modified.

Find that the proposed rezoning as modified (see *Analysis and Recommendations* section of this staff report for modification) is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and APPROVE the proposed rezoning as modified.

D. FINDINGS

Staff presents the following findings of fact:

1. The sand mine is currently a legal, nonconforming use that was originally permitted in 1985.
2. The recent expansion of sand mining activities on the subject site was determined by the City's Growth Management Department to be inconsistent with its existing permitted site plan. This land use may not be expanded without a Future Land Use Map amendment and rezoning.
3. The proposed amendment as modified will remove the nonconforming designation on the existing sand mine. A new operating permit from the City of Tallahassee will address existing activities and their impacts onsite and offsite.
4. The subject site is adjacent to residential areas and the subject site exhibits characteristics (noise, dust, and blasting from the operation of this sand mine and operations on weekends and at night) that are not compatible with residential development.
5. Since early 1987, there have been several permit violations filed against the owners of the subject site.
6. The subject site has a history of discharging stormwater into Lake Munson.
7. The subject site is located within the Primary Spring Protection Zone (PSPZ) for Wakulla Springs based on the Leon County Aquifer Vulnerability Assessment (LAVA).
8. An expansion of the use on the subject site could impact wetlands, floodplains, groundwater, and the water quality of Lake Munson. These impacts would need to be mitigated for any expansion to occur.
9. Water and sewer services are not available to each parcel of the subject site.
10. The subject site has been accessed from a local road with adjacent residential development since 1985.
11. An Environmental Impact Analysis (EIA) submitted to the City's Growth Management Department on December 6, 2016 indicated the presence of approximately 14.37 acres of unaltered floodplain onsite, a flood exclusion zone, and several specimens of Bent Golden Aster in an area targeted for future mining activities.
12. A combined convenience store and gasoline station located at 4784 Capital Circle, which is across Ruthenia Road from the existing access point to the subject site, is also a legal nonconforming use.

E. STAFF ANALYSIS

History and Background

Greenman-Pederson, Inc., representing AG Sandy Properties, LLC and Sandco, Inc., is requesting a future land use map amendment and rezoning for four adjacent parcels totaling approximately 77.9 acres (subject site). Approximately 45 acres (57.7 percent) of the subject site is currently being used as a sand mine and as a construction and demolition debris staging area. The remainder of the subject site is vacant, forested land.

The subject site is located southwest of Capital Circle SW with access from Ruthenia Road. The Woodhaven residential subdivision is located directly north of the subject site, and the Yons Lakeside Estates residential neighborhood is located to the east. The subject site is also directly north of Lake Munson.

There are four contiguous parcels that form the subject site. These parcels include #4123206190000, #4123206220000, #4123206420000, and #4123206410000. Parcels #4123206420000 and #4123206410000 and the majority of #4123206220000 are being utilized for the mining and staging activities described above. Parcel #4123206190000 is currently mostly vacant, and the southernmost portion of #4123206220000 is forested and vacant. A portion of a City of Tallahassee-owned parcel immediately west of the subject area was previously utilized as a sand mine. Sand mining activities are no longer occurring on this City-owned site.

On July 3, 1985, the Board of County Commissioners approved and permitted the expansion of what was then known as the “Old Blackburn Pit.” The original permit was in the form of a site plan with notes that was prepared for John Blackburn by an engineering and land planning consultant, and approved by the Leon County Board of County Commissioners on October 15, 1985. Onsite activities include the mining and quarrying of nonmetallic minerals (i.e., industrial fracturing and removal of sand), and construction material storage and construction vehicle storage. Construction materials onsite include various metal and concrete debris, a concrete crusher facility, storage containers, and mounded soils and other unidentified tailings.

Since early 1987, there have been several permit violations filed against the owners of the subject site, including sediments on Ruthenia Road, lack of fencing, solid waste disposal and reclamation activities occurring with an expired Leon County Environmental Management Permit, removal of required buffers, and offsite flooding. There have also been one or more discharges of stormwater into Lake Munson, including one in 1992 and possibly another in 2015. A complaint from a nearby resident was made in 2016 against the sand mine alleging the unpermitted expansion of sand excavation activities into a vacant part of the subject site. The City’s Growth Management Department issued an order to cease these activities, prompting the applicant to seek a change in the land use and zoning for the subject site.

Land Use, Zoning, Annexation, and Local Permitting History

1985

When the sand mine began operating in 1985, it was located in the unincorporated area. Parcel #4123206190000 was zoned MH-1 (Mobile Home and Single Family Residential District with Limited Use Site Plan). The remainder of the subject site was zoned A-1 LU/SP (Agriculture District with Limited Use Site Plan). In 1997, site specific rezonings resulted in the current designation of

the subject area as R-1 and R-2 Single Family Detached Districts. The land use designation in the Comprehensive Plan for these four parcels was Mixed Use A and Residential Preservation.

2002

The subject site was annexed into the City on February 3, 2002 per Ordinance 02-O-04. This was a voluntary annexation that was requested by the owner of the sand mine, according to a City of Tallahassee agenda item introducing this ordinance on January 9, 2002 (see Attachment #3). When the sand mine parcels were annexed, the sand mine became a legal non-conforming use.

2006

As a result of a major Comprehensive Plan Reform project in the mid-2000s, Comprehensive Plan Map Amendment 2006-2-M-010 was created to implement the future land use map recommendations identified in the associated Comprehensive Plan Reform Report by identifying land use categories for Mixed Use areas. This amendment eliminated the Mixed Use designation for over 28,000 parcels from the Future Land Use Map, and replaced this designation with clearer, more specific land use categories. These categories included Residential Preservation, Urban Residential-2, University Transition and Suburban.

The four parcels comprising the subject site were previously categorized Mixed Use in the Comprehensive Plan. The subject site was redesignated from Mixed Use to Urban Residential-2 as part of Amendment 2006-2-M-010. This amendment made the sand mine an existing non-conforming use. A small area approximately 1.6 acres in size along the eastern boundary of the subject site, located along the western side of Ruthenia Road, as well as a 0.15 lot on the north side of Dawson Road, was rezoned from Residential Protection (RP) to RP-1 in 2002 as part of Ordinance 02-Z-46 to be consistent with its RP land use designation.

Under the Comprehensive Plan Reform project, residential areas not recommended for the low-density Residential Preservation category were placed in the Urban Residential-2 land use category. Lands that had developed in a suburban corridor pattern and vacant lands that had non-residential zoning or were surrounded by non-residential zoning were placed in the Suburban category.

Current and Proposed Future Land Use Categories

The complete Comprehensive Plan policies for **Urban Residential-2 (Policy 2.2.24[L])**, **Residential Preservation (Policy 2.2.3 [L])**, and **Suburban (Policy 2.2.5 [L])** are included as Attachment #1.

Urban Residential-2 (Current)

The Urban Residential land use category is intended to promote a range of residential densities (4-20 dwelling units per acre) thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The category allows townhouses, single family detached homes, two-family homes, and apartments as well as open space/recreation and community facilities related to residential use. The category is not intended to be applied within the interior of an existing neighborhood.

Residential Preservation (Current)

The Residential Preservation land use category is intended to protect and preserve existing stable and viable residential areas from incompatible land use intensities and density intrusions. Under this category, future development will consist primarily of infill due to the built out nature of the areas. Under the category, single family, townhouse and cluster housing may be permitted within a range up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval.

Suburban (Proposed)

The Suburban land use category is intended to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. A mix of residential types is permitted. The density range is up to a maximum of 20 dwelling units per acre. Other permitted uses include commercial, office, community services, passive and active recreation, light industrial and light infrastructure. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Consistency with Comprehensive Plan

Land Use Element

The current land use designation of Urban Residential- 2 (UR-2) is not consistent with the current use of a portion of the subject area as a sand mine and a construction staging and processing area. As an existing non-conforming use, the owners and operators of the sand mine cannot expand their existing permitted development activities without changing the land use and the zoning designations for the subject site.

Policy 2.2.5 [L], which establishes the Suburban land use category, specifies that “*While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium density residential, office, retail and light industrial development.*” The mining and quarrying of nonmetallic minerals and construction material storage and construction vehicle storage is an allowed use in the M-1 Light Industrial zoning district as determined by the City’s Land Use Administrator, and is therefore consistent with this policy.

Policy 2.2.3 [L], which implements the Residential Preservation (RP) land use category, requires that expanding or redeveloped light industrial uses adjoining low density residential areas designated as RP mitigate potential negative impacts by providing a transitional development area between the light industrial uses and the low and medium density residential uses. This policy also states that new light industrial uses cannot be designated next to an RP area. The easternmost portion of the subject area that has a current land use designation of RP is adjacent to an existing residential subdivision that has a Residential Preservation (RP) land use designation and RP zoning. However, since the existing light industrial use of the subject area next to the RP area is not new, expanding, or being redeveloped, this portion of Policy 2.2.3 [L] does not apply.

Section (e) of Policy 2.2.3 [L] lists a number of factors that shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas. These factors include:

1. proposed use(s)
2. intensity
3. density
4. scale
5. building size, mass, bulk, height and orientation
6. lot coverage
7. lot size/configuration
8. architecture
9. screening
10. buffers, including vegetative buffers
11. setbacks
12. signage
13. lighting
14. traffic circulation patterns
15. loading area locations
16. operating hours
17. noise; and
18. odor.

There are currently no permanent structures on the subject site, and vegetated buffers are required for light industrial activities, including sand mines. There are no signs, lights, traffic circulation, or loading area issues from the existing and proposed uses of the subject area. However, the intensity of use, noise, and dust and odor from the subject site are factors that would indicate a lack of compatibility between the existing land use of the subject area and the adjacent RP area.

Conservation Element

The following policies (not a complete list) in the Conservation Element address protection of water resources. These policies address impacts on natural resources and environmental features from activities such as sand mining. They include:

- Policy 2.2.1: [C] of the Conservation Element requires local government to protect and conserve the natural function of wetlands by limiting wetland destruction and adverse impacts. Wetlands are located directly south of the subject area.
- Policy 2.2.3: [C] allows some redevelopment in floodplains that have been altered, but severely limits alterations in undeveloped floodplains by restricting vegetation removal and limiting fill. (Altered floodplains may be redeveloped as long as the redevelopment does not impede water flow or displace volume.) A portion of the subject area is unaltered floodplain, as well as areas immediately south of the subject area.
- Policy 2.2.4: [C] requires additional restrictions in drainage basins that have been identified through scientific studies as having significant surface water degradation as defined by declining surface water systems, loss of aquatic plant and animal species, and an increase in the level of

the parameters that define polluted water. The water quality of Lake Munson has been negatively affected by stormwater and wastewater flows, and there are ongoing state and local programs to address these issues. The subject site has a history of stormwater discharges into Lake Munson.

- Policy 2.2.7: [C] requires local government to continue and refine the on-going studies of designated lakes to determine existing water quality in area lakes and develop management plans for the continued function of area lakes with minimum impact from development. The Lake Munson Action Plan was adopted by the Board of County Commissioners in 1994. The Board at their regular meeting on December 13, 2016 directed County staff to update the Lake Munson Action Plan with primary assistance from the Science Advisory Committee and as needed input from the Water Resources Committee.

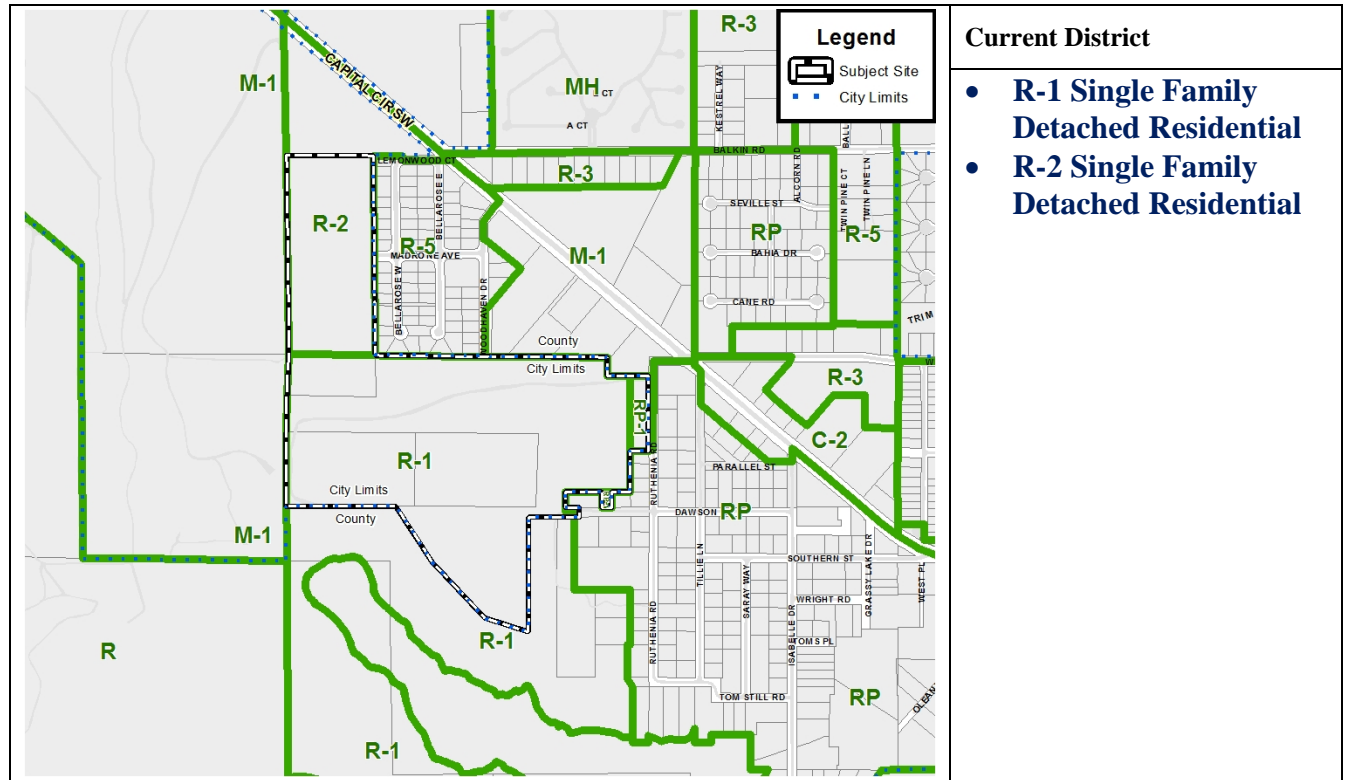
The continuing focus on Lake Munson is being driven by the Upper Wakulla Springs River and Wakulla Springs Basin Management Action Plan (BMAP) adopted by the Florida Department of Environmental Protection. There are many projects and initiatives in the Lake Munson Action Plan that have been implemented by both the City of Tallahassee and Leon County, including a significant number of stormwater management projects and facilities within the Lake Munson watershed. There are additional proposed projects and ongoing programs being implemented by both the City and the County that are listed in the BMAP. These investments demonstrate an on-going interest in and concern for Lake Munson by both the City and the County.

- Policy 4.2.2: [C] states that the development code shall require investigation of all sub-surface conditions for land uses which have the potential for contamination of groundwater and shall require uses which have a significant potential for contamination to be monitored. The removal of overburden material in the PSPZ, the introduction of construction debris and the stockpiling of construction materials, and the collection of stormwater from these areas into low-lying areas close to the water table may create the potential for the contamination of groundwater.
- Policy 4.2.5: [C] requires local government by 2010 to 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). This PSPZ was established in the County's land development code under Section 10-6.710. The subject site is located within the PSPZ.

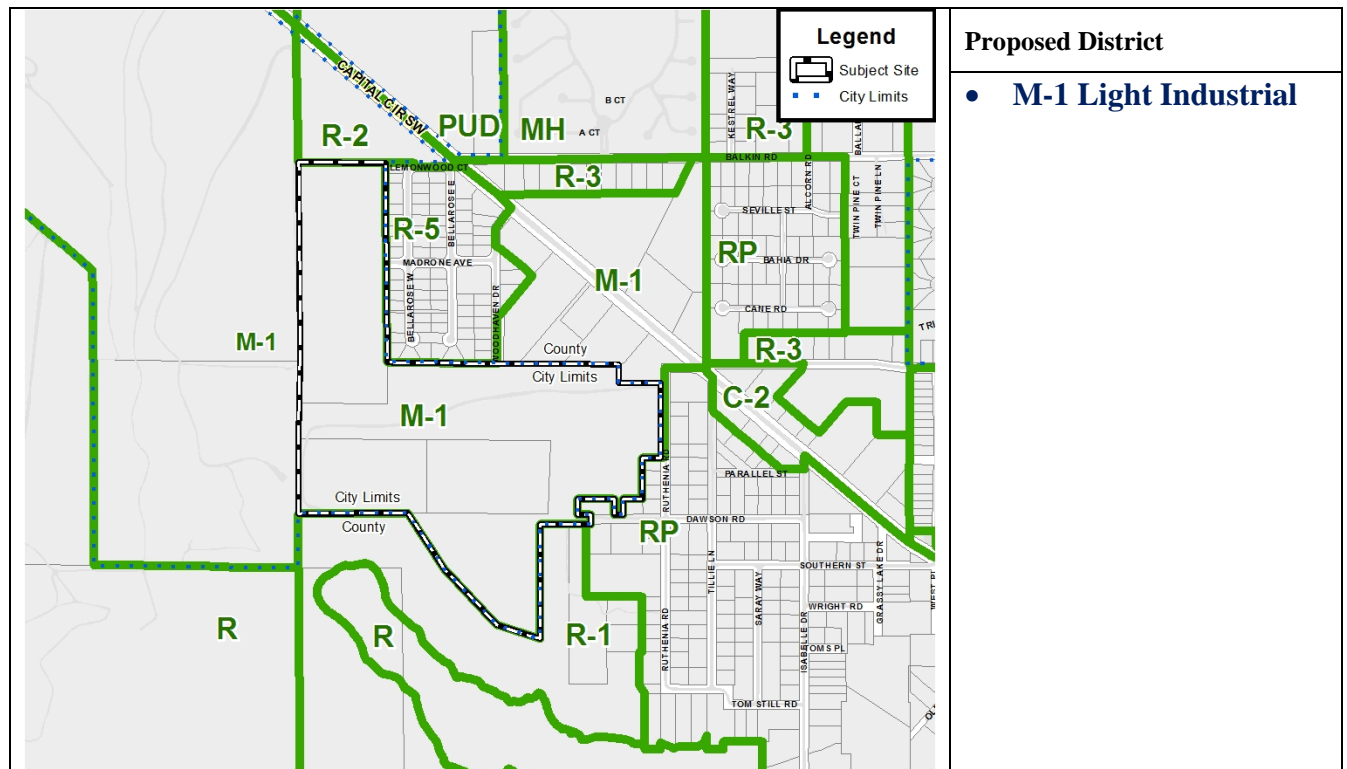
Zoning

The following maps illustrate the current and proposed zoning for the Subject Site.

Current Zoning



Proposed Zoning



The Land Development Code sections for R-1 Single Family Detached (Section 10-244), R-2 Single Family Detached (Section 10-245), and M-1 Light Industrial (Section 10-260) zoning is included as Attachment #2.

According to the City of Tallahassee Land Development Code, the R-1 and R-2 Single Family Detached Residential Districts are “*intended to be located in areas designated Urban Residential 2 or Suburban on the Future Land Use Map which exhibit a predominant existing development pattern of residential, single-family detached housing with development standards similar to the development standards of the [R-1 or R-2] district.*” The maximum gross density allowed for new residential development in the R-1 district is 3.63 dwelling units per acre. The maximum for R-2 is 4.84 dwelling units per acre.

Section 10-260 of the City’s land development code establishes the M-1 Light Industrial Zoning District. The intent of this district is “*to be located in areas designated Suburban on the Future Land Use Map of the Comprehensive Plan and shall apply to urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light industrial operations are permitted.*”

Existing Land Uses

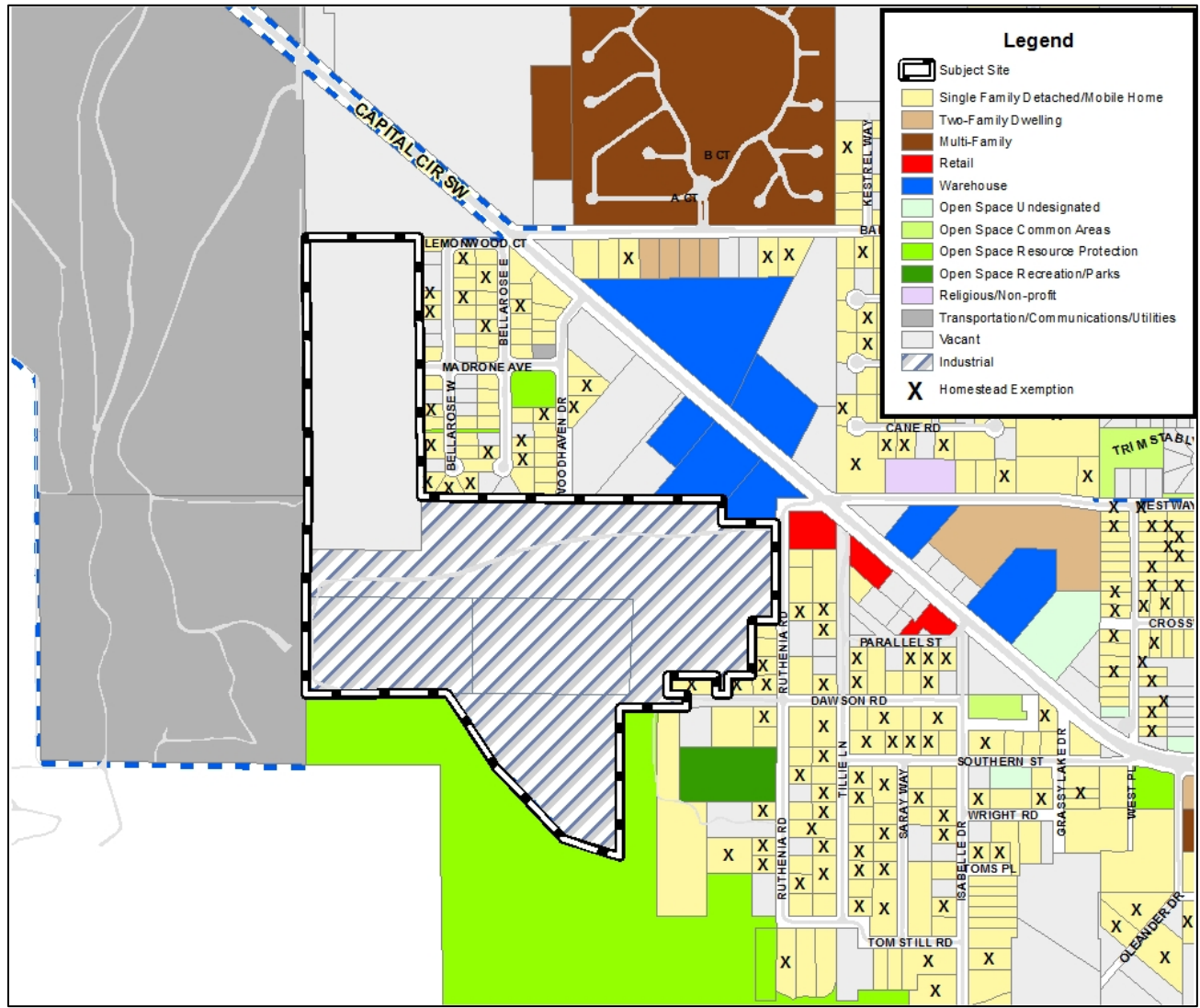
The existing land uses on the subject area are industrial and vacant. A single family residential subdivision is located north and east of the subject site (Woodhaven subdivision), with another larger residential area to the east and southeast (Yon’s Lakeside Estates). The Woodhaven subdivision was platted and approved in 1972. The original plat for Yon’s Lakeside Estates was approved in 1941. At least four additions were platted and approved. The first addition to Yon’s Lakeside Estates was platted and approved in 1948. The second addition to Yon’s Lakeside Estates was platted and approved in 1955. The third addition to Yon’s Lakeside Estates was platted and approved in 1959. The fourth addition was not recorded. A convenience store and gasoline station is located on the east side of Ruthenia Road directly across from the existing access point to the subject site. Its address is 4784 Capital Circle SW. Several single-family detached residences are located behind the store.

The area south of the subject area is vacant open space that is heavily forested. Lake Munson is south of this area. There are also several vacant parcels on the north side of the subject area, and a collection of warehouses and retail uses along both sides of Capital Circle SW. An automobile sales and repair business is located west of the convenience store and gasoline station, and a trucking company is located on the east side.

A large area adjacent to the western side of the subject area is owned by the City of Tallahassee. This area is composed of several parcels. An area approximately 19 acres in size located directly west of the subject area is currently being used for the storage of construction materials, including soils. According to aerial photography, and corroborated by City staff, this area was mined for sand after 1983 and reclaimed by 2009.

An additional area approximately 37 acres in size directly north of this old reclaimed sand mine and immediately west of the northernmost parcel in the subject site was previously used as a municipal or county landfill before 1970. It was capped and closed before 1990.

Existing Land Use Map



Infrastructure Analysis

Water/Sewer

Water and sewer services are available to the subject site. However, water and sewer services are not currently available to each individual parcel of the subject site. The water and sewer services available are adequate for the continuation of the current use of the subject site as a sand mine and site for construction operation staging. The available water and sewer services would have to be upgraded and distributed to each parcel of the subject site in order to accommodate other uses and development allowable in the Suburban land use category.

Schools

The Subject Site is zoned for Oak Ridge Elementary School, Nims Middle School, and Rickards High School. Given that the proposed zoning does not allow any residential uses, there are no anticipated impacts to available school capacity.

Roadway Network

The subject site is accessible from Ruthenia Road, which is a local road. Ruthenia Road provides a connection to Capital Circle SW, which is a Principle Arterial. At the time of site plan or permitting, concurrency requirements will be determined for the project to fund needed facilities as redevelopment occurs on the subject area. The subject area is not located within the Multimodal Transportation District (MMTD).

The access point to the Southside Pit is approximately 250' from Capital Circle SW. Residents of the adjacent Yon Estates neighborhood have expressed concerns about the impacts of this access road on Ruthenia Road. The impacts include sediments on the roadway from the sand mine, and the number of large dumptrucks going in and out of the sand mine. Staff does not have a count of vehicles accessing the sand mine on a daily basis.

Capital Circle SW between Orange Avenue and Crawfordville Highway (U.S. Hwy 319) is currently under design to be expanded to six lanes similar to the improvements already made to Capital Circle S and SE. As part of this improvement project, Ruthenia is proposed to be realigned to meet Capital Circle SW at a perpendicular angle (90 degrees) instead of an acute angle as it currently does. This proposed improvement of this intersection is anticipated to have a minimal effect on the gasoline station and convenience store that is part of staff's recommendation.

The development standards outlined in Section 10-260 M-1 Light Industrial specify that "*Street Vehicular Access Restrictions: Properties in the M-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: 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.*" The subject site has been accessed from Ruthenia Road since 1985. Although there is a convenience store and gas station across Ruthenia Road from the subject site, the area on the east side of Ruthenia Road is zoned RP. Changing the zoning of the subject area to M-1 Light Industrial District would normally create an inconsistency whereby the existing access to the subject site would not be allowable from Ruthenia Road.

Pedestrian and Bicycle Network

The subject area is not served by sidewalks or bicycle facilities. Capital Circle SW currently has paved shoulders. Capital Circle SW will be reconstructed in the future and will provide pedestrian and bicycle facilities.

Transit Network

The subject site is not served by transit. The Big Bend Route is the closed StarMetro route to the subject site, with a stop at the Forest Village Shopping Center approximately $\frac{3}{4}$ of a mile from the entrance to the subject site.

Easements

There are no known publicly owned easements located on the subject site.

Environmental Analysis

Existing Environmental Features

According to environmental data maintained by the City of Tallahassee and Leon County, the subject site is located within the Lake Munson drainage basin and the Primary Springs Protection Zone. Approximately 15.3 acres (19.6 percent) of the subject area is located within the 1% annual exceedance probability flood zone (100-year flood zone) as identified by the Federal Emergency Management Agency (FEMA). This flood zone extends to Lake Munson.

Approximately 35.5 acres (45.6 percent) of the subject area is forested, vacant land. The majority of the upland portions of this forested area are classified as Longleaf Pine – Xeric Oak under the Florida Land Use, Cover and Forms Classification System.

A Natural Features Inventory (NFI) submitted to the City's Growth Management Department on October 30, 2015 indicated the presence of Bent Golden Aster (*Pityopsis flexuosa*), a listed plant species, on or adjacent to Parcel #4123206190000.

An Environmental Impact Analysis (EIA) submitted to the City's Growth Management Department on December 6, 2016 indicated the presence of approximately 14.37 acres of unaltered floodplain onsite, a flood exclusion zone, and several specimens of Bent Golden Aster on the northernmost parcel. The EIA states that fill and stockpile activities or the construction of any structures must not occur within the floodplain and flood exclusion zone, and that only mined materials will be excavated within this area. The individual specimens of Bent Golden Aster previously identified in the NFI are to be relocated to a proposed 60' buffer on the east side of parcel #4123206190000, adjacent to the Woodhaven residential subdivision.

Environmental Issues Identified by Local Government Staff

Staff from the City's Growth Management Department has also expressed concern that any development activities permitted within the floodplain of Lake Munson could have a negative effect on that lake's water quality, fauna and flora. Specifically, Growth Management staff has stated the following:

- The loss of vegetation, soil, and many vertical feet of sand within the floodplain would remove physical and biological barriers which currently keep Lake Munson from further degradation.
- Greatly reducing the physical distance from the lake's shore to the area of active sand mining could result in increased turbidity and suspended solids within this biologically stressed lake.
- Digging large and deep holes in the floodplain adjoining a lake will dewater the adjacent floodplain and wetland areas for a distance not empirically established for this site.

Staff at the Leon County Department of Development Support and Environmental Management (DSEM) has expressed concern for the protection of unaltered floodplain, Bent Golden Aster, and flood exclusion zones located on the subject area. These concerns are supported by those policies listed above that address preservation features, including unaltered floodplain, listed species, and other environmental features. DSEM staff has stated the following:

- It is unknown what effects sand mining would have on the groundwater resources,
- There are many adjacent homes in this area that could have private water supply wells affected,
- Lake Munson's floodplain extends onto this property and any interaction could be detrimental to the Lake's water quality, and
- This type of activity is too close to Lake Munson.

If it were known that the proposed mining operation expansion would involve the use or production of regulated substances, Aquifer/Wellhead Protection Program staff have the ability to review the operations to evaluate the proposed use, handling, storage, and disposal of these materials in order to ensure the protection of the aquifer/groundwater supply.

In response to the proposed amendment for the subject area, Aquifer/Wellhead Protection Program staff have requested that if any regulated hazardous substances are known to be present or proposed to be on-site as a product, byproduct, or process of the proposed mining operation expansion, then a list of those substances and information on their intended use, storage, handling, and disposal should be provided to the City Aquifer Protection Program early as possible in the review process.

Environmental Concerns Identified by Nearby Residents and Property Owners

There are several existing environmental and other concerns from the existing land use activities on the subject site that have been and continue to affect the adjacent Woodhaven and Yon Lakeside Estates residential subdivisions. Twelve residents of the Woodhaven subdivision signed a letter to the Planning Department describing significant nuisances such as noise, dust, and blasting from the operation of this sand mine, including operation on weekends and at night, and also expressing concern that their properties have suffered devaluations as a result. These residents also expressed their concern for the quality of drinking water from the many private water wells in this neighborhood. An additional resident complained in a written comment provided to the Planning Department about noise, reduction of land values, potential impacts on water quality, and dumping of unknown materials at night.

Potential Groundwater Impacts from Sand Mining

There can be impacts on groundwater quality from sand mining. At present, there are no known monitoring data or other information available indicating any possible effects on groundwater quality from the current land use activities on the subject site.

Regulation of Sand Mining Activities

Local Permitting

The original permit for the sand mine was in the form of a site plan with notes that was prepared for John Blackburn by an engineering and land planning consultant. The plan was approved by the Leon County Board of County Commissioners on October 15, 1985. A number of additional permits have been issued by Leon County prior to the annexation of the subject site.

According to staff at the City's Growth Management Department, it must be demonstrated prior to approval of an environmental permit for expansion of the sand mine that the stormwater water quality requirements of section 5-86 of the Tallahassee Land Development Code can be met. Section 5-86 requires that, at a minimum, the first flush of runoff (usually 1-1/8" of runoff) be treated to remove pollutants prior to discharge off the site. The stormwater treatment provided can be in the form of a wet detention facility, a dry detention facility with a sand filter, or a dry detention facility, commonly referred to as a "percolation pond." Of the three, the dry retention facility has been shown to provide the greatest reduction of pollutants, and will be the preferred option during permit review.

The area south of the active sand mining area is an unaltered floodplain. These features are identified in the Conservation Element of the Comprehensive Plan as Preservation features. Under existing City land development regulations, unaltered floodplains cannot be developed except for very low-density residential development. For larger, non-residential development, preservation features are required to be protected through a recorded conservation easement.

Aquifer/Wellhead Protection Program

The City of Tallahassee, through an interlocal agreement with Leon County, provides county-wide enforcement of Aquifer/Wellhead Protection provisions of the Leon County Code of Laws (Chapter 10, Article X). The City's Aquifer/Wellhead Protection Program protects and maintains the quality of groundwater in the county through regulations on the use, handling, production, storage, and disposal of hazardous materials. The regulations provide performance standards for the use, handling, production, storage, and disposal of regulated substances that are applicable to facilities to prevent the introduction of these substances into groundwater. These regulations are intended to protect the quality of water obtained from public supply wells, including city wells, potable water supply wells, and other public water systems.

State Permitting

The Florida Department of Environmental Protection's (DEP) Mining and Mitigation Program is responsible for the administration of reclamation and wetland resource permitting programs, as authorized by Part II of Chapter 211, Part IV of Chapter 373, and Parts II & III of Chapter 378, Florida Statutes, and set forth in Title 62, Florida Administrative Code. These rules address the reclamation and wetland resource permitting on lands disturbed by the extraction of mineral resources, such as phosphate, limestone, dolomite, shell, heavy minerals, fuller's earth, peat, clay, gravel, and sand, and the direct participation of other agencies in the regulatory process.

The Florida Legislature required reclamation of those lands disturbed by the mining of other resources after October 1, 1986. "Existing mines" are mines where operations began on before October 1, 1986. Reclamation requirements for existing mines apply only to new surface areas that were initially disturbed by operations after January 1, 1989. For mines that began operations after

October 1, 1986, all areas disturbed by mining operations must be reclaimed to the reclamation standards.

Section 378.804, Florida Statutes, provides that any operator who extracts resources from any one site, not to exceed 20 acres over the life of the mine, is exempt from the requirements to provide a conceptual reclamation plan or notice to the Department. Reclamation at the mine must still meet all other requirements of the statutes and rules.

In the area of the Northwest Florida Water Management District only, a mine may not need an Environmental Resource Permit (ERP). A mine or borrow pit operator may continue to extract material from a pit that was existing prior to October 1, 2007, provided they do not encroach beyond the limits of land that has been prepared for excavation prior to October 1, 2007. Land prepared for excavation includes those lands intended for immediate excavation and may involve preparation such as land clearing, root raking, removal of top soil, etc. A pit existing prior to October 1, 2007 that has no additional land prepared for excavation, may also continue to extract material in the vertical direction within the footprint of the existing disturbed area. Any new mines or borrow pits, or expansion of existing mines or borrow pits that necessitates additional preparation of land for excavation that occurs after October 1, 2007, must obtain an ERP permit prior to initiating construction or land clearing activities.

According to DEP staff, the existing mined area (approximately 46 acres) was disturbed prior to 2007. No ERP for this mining activity has previously been issued. An ERP will be required prior to expanding outside that footprint. If the mining operation includes any kind of onsite processing such as sorting and grading, then the Department will process the permit. Otherwise, the Northwest Florida Water Management District will process the permit if no onsite processing is conducted.

A portion of the existing mined area appears to be non-mandatory for reclamation. Some of the existing area was disturbed after 1989. No reclamation notice is on file with the DEP. The post-1989 disturbance appears to exceed 20 acres. Therefore, pursuant to Chapter 378, Florida Statutes, a Notice of Mining should have been submitted to the Department.

The sand mine was previously permitted as a construction/demolition debris disposal facility in the past. Permit No. 230825-001RG was issued to the Ruthenia Road Sand Mine on 10/27/2004 by the Department's district office. This was a stormwater permit for a 61-ac site. Permit No. 230825-002RE was issued to SandCo, Inc., for the Ruthenia Road Sand Mine on 1/26/2005 by the Department's district office. DEP staff has stated that these were likely based on the old Chapter 62-25, F.A.C., Regulation of Stormwater Discharge. Solid waste permits were also issued for this site by the Department's district office. This included yard trash disposal, and construction/demolition debris disposal. These permits are no longer active. The only active permit is an Air General Permit (AGP) renewal registration to operate a Nonmetallic Mineral Processing Plant (Crusher) facility under the authority of Rule 62-210.310, Florida Administrative Code (F.A.C.). There are currently no other known DEP permits or other notices for this site. DEP's Solid Waste Division is working with the owners of the sand mine to determine if any additional state permits are required for the activities currently being conducted on the sand mine.

Analysis and Recommendation

If the proposed amendment as submitted by the applicant is denied, the expansion of mining activities would not be allowable. The active area of the subject site, being an existing, legal non-

conforming use, may continue indefinitely, but there would likely be no mitigation of existing environmental impacts (e.g., dust, noise, visual impacts, and potential surface and groundwater impacts).

If the amendment as proposed is adopted, these activities could increase as mining proceeds into unmined areas within the northwest area of the subject site. These activities in this area, however, could increase environmental impacts as previously described in an area adjacent to an existing residential neighborhood. This sand mine is also located in an area that is being addressed by the Upper Wakulla Springs River and Wakulla Springs Basin Management Action Plan (BMAP) adopted by the Florida Department of Environmental Protection and the Lake Munson Action Plan adopted by the Leon County Board of County Commissioners.

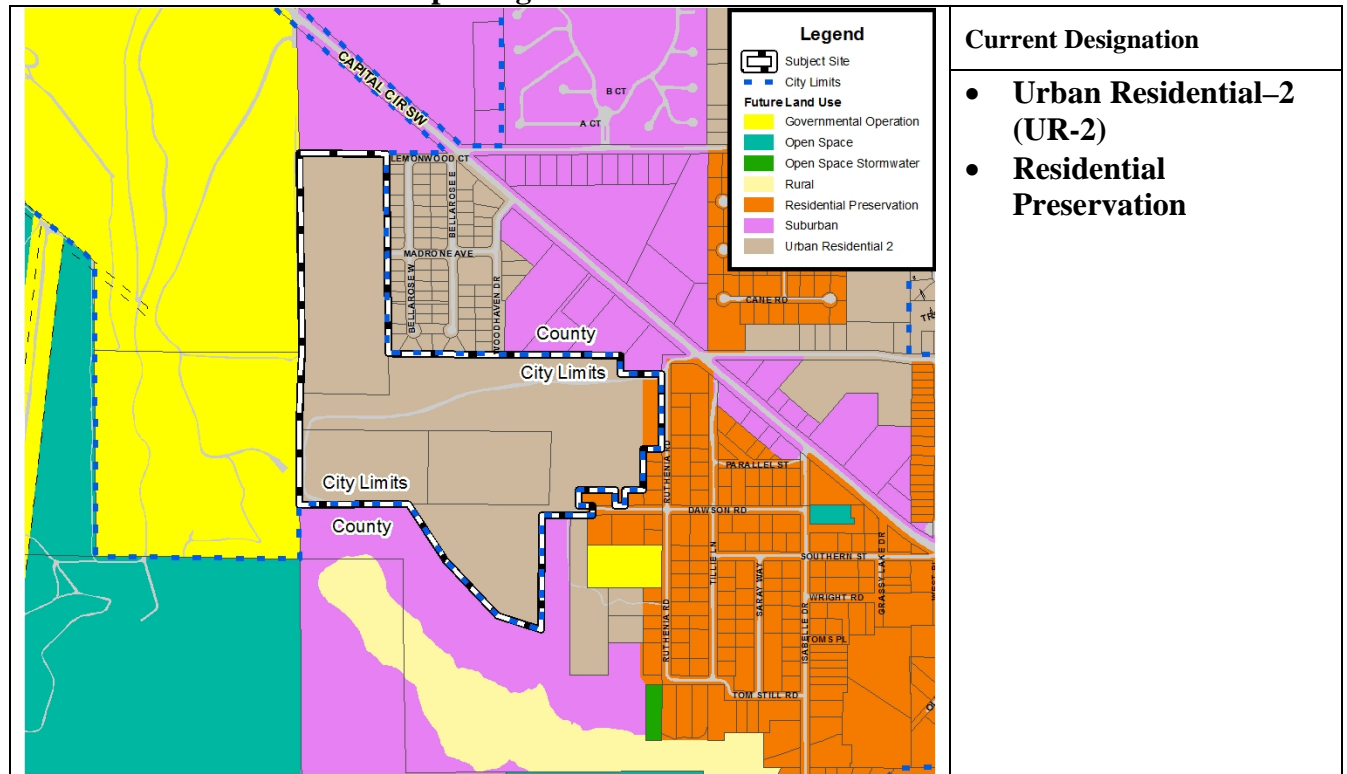
Based on the analysis of existing conditions and impacts from the proposed land use map amendment, staff recommends approval of the requested land use amendment and rezoning for the active portion of the subject site only, as well as the undeveloped floodplain area immediately south of the active mining area. Staff recommends leaving the unmined portion in the northwest corner of the subject site in its current land use and zoning designations.

Staff also recommends changing the existing land use and zoning designations for the adjacent convenience store and gasoline station from RP to Suburban with Commercial – 2 zoning. This proposed change will eliminate this parcel's existing non-conformance with its existing land use and zoning, and it will eliminate the access inconsistency created by the proposed zoning for the active area of the sand mine. This proposed change is also consistent with 13 additional properties fronting Capital Circle immediately east of this parcel. The owner of this parcel has stated to staff that this recommended addition to the subject site is subject to the owner's final approval, and that the owner will make a decision on its participation in the re-zoning between the February 15th meeting and any public hearings at which a final decision will be made.

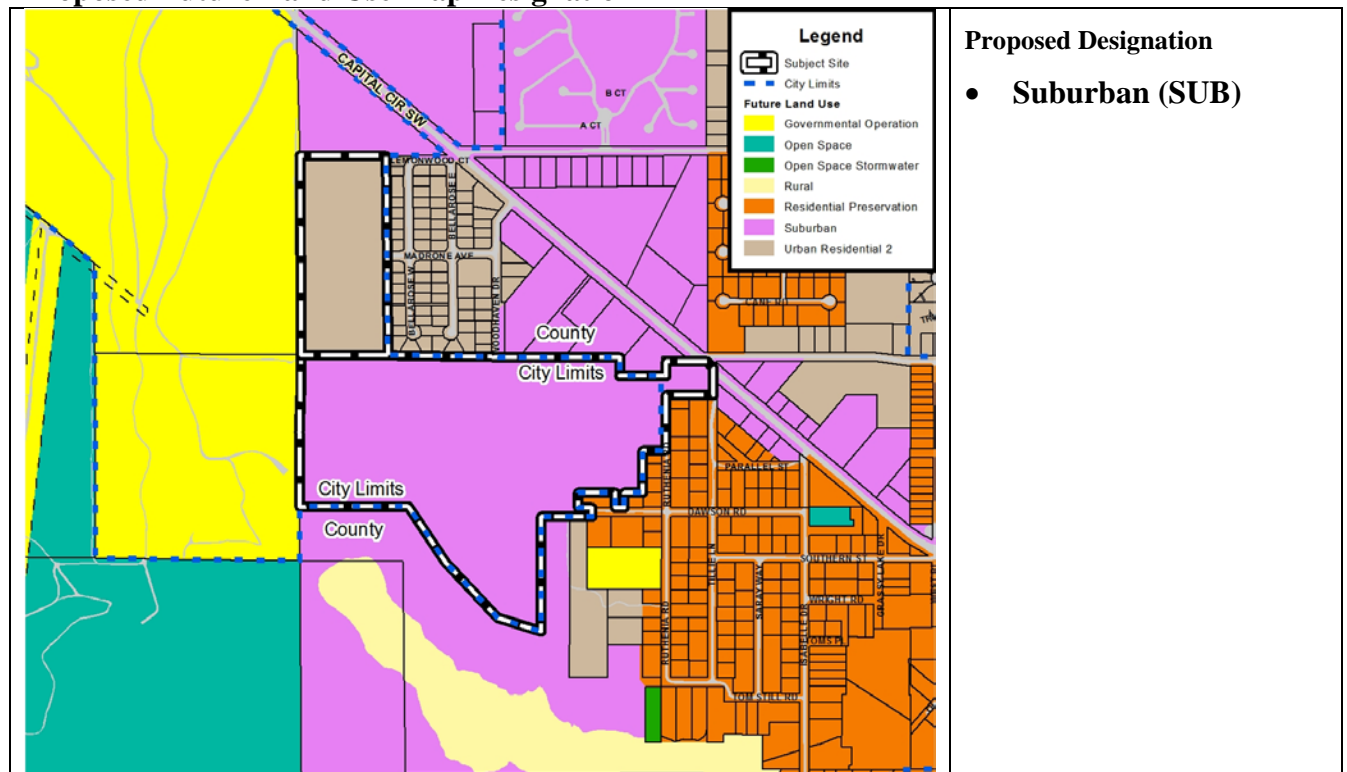
Furthermore, staff recommends that the City work with the applicant to create a new site environmental permit that addresses onsite and offsite impacts associated with the continued use of the site as a construction debris and materials storage and processing site, with an eventual conversion of the site into a fully permitted construction debris landfill. The applicant should continue to work with DEP to secure any necessary permits for mining and reclamation as may be required under existing state law.

The following maps indicate this recommended land use amendment and rezoning:

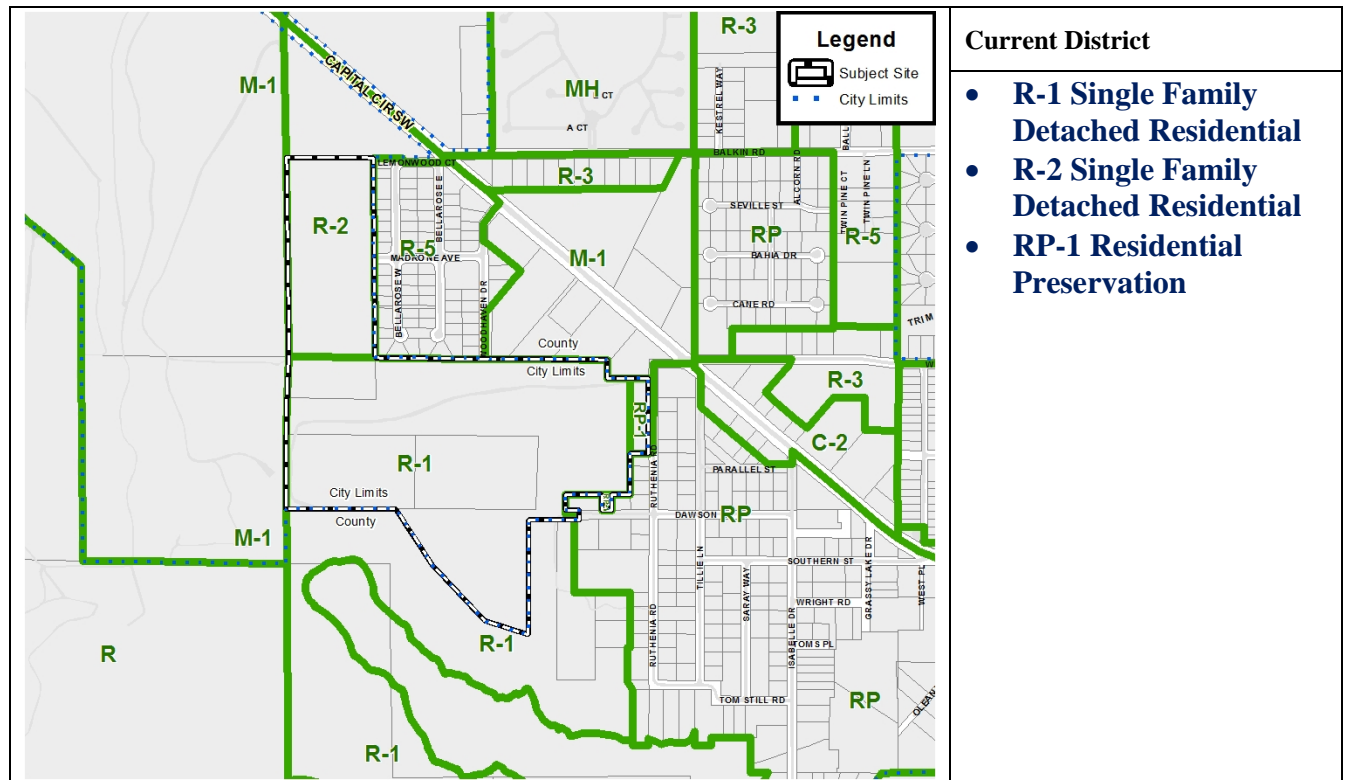
Current Future Land Use Map Designation



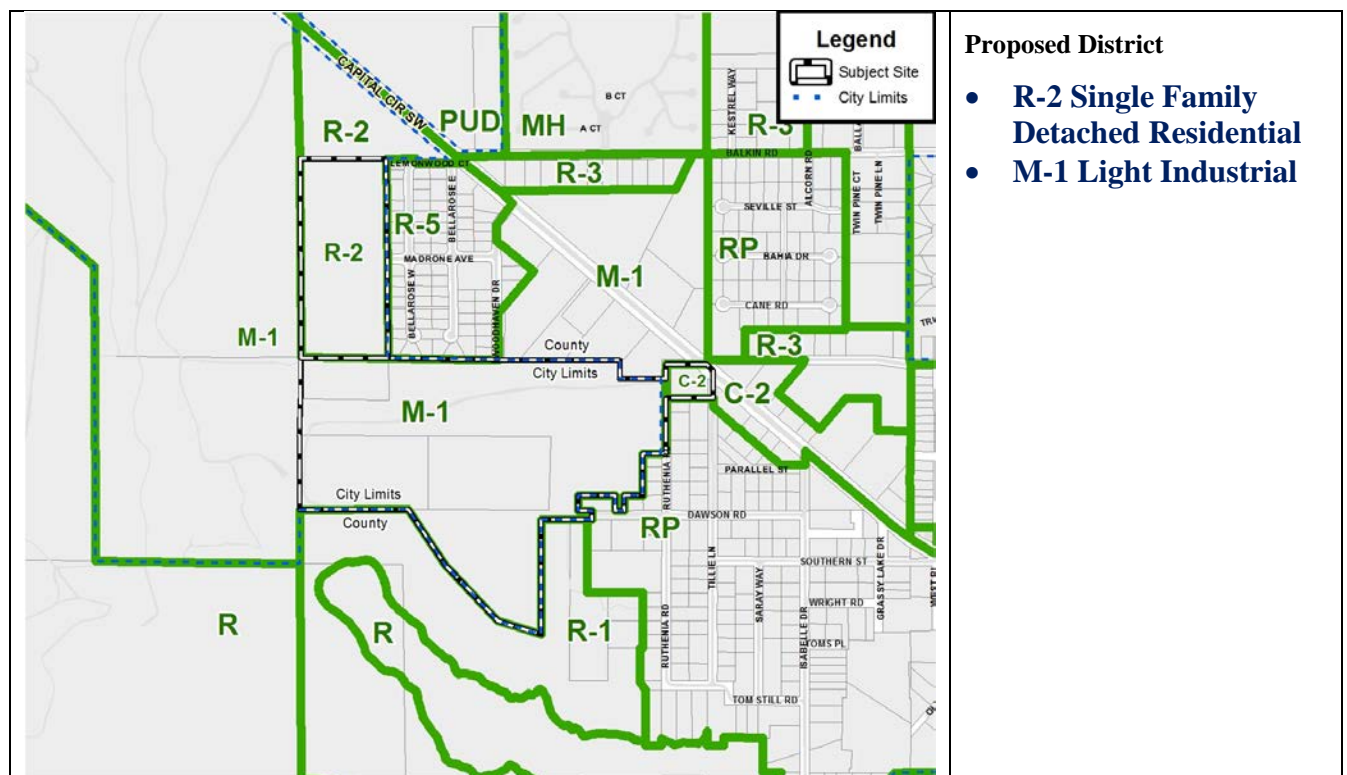
Proposed Future Land Use Map Designation



Current Zoning



Proposed Zoning



F. PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to 169 property owners within 1,000 feet of Subject Site.

Public Outreach		Date	Details
X	Mail Notification of Proposed Changes	11/4/2016	Notices Mailed to Property Owners within 1000 feet
X	Notice of Proposed Land Use Change and Rezoning	1/6/17	Two signs providing details of proposed land use and zoning changes posted on subject site
X	First Public Open House	11/17/2016	5:30 PM, Second Floor, Frenchtown Renaissance Center
X	Staff Reports Available Online	01/17/2017	Email Subscription Notice sent to all users of service
X	Second Public Open House	1/23/2017	5:30 PM, City Commission Chambers, City Hall

First Public Open House – November 17, 2016: 124 citizens attended the first open house to discuss the 2017 Cycle amendments. Of the 124 attendees, at least 3 attended to hear information on the Southside Pit amendment.

Leon County Water Resources Committee – January 10, 2017: The Leon County Water Resources Committee reviewed this amendment at their regular meeting on January 10, 2017. The Committee voted to recommend to the Leon County Board of County Commissioners that they support the staff recommendation based on the environmental concerns previously discussed, including those concerns addressing the potential contamination of surface and groundwater from onsite mining operations.

Second Public Open House - January 23, 2017: 110 citizens attended the first open house to discuss the 2017 Cycle amendments. Of the 110 attendees, at least five citizens attended to specifically discuss the Southside Pit amendment. Issues brought to staff's attention include the previously unknown existence of an old landfill, drainage, noise, hours of operation, and the history of the residential areas.

G. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2016 Meetings		Dates	Time and Locations
X	Local Planning Agency Workshop	1/19/2017	9:00 AM, Second Floor, Frenchtown Renaissance Center
X	Local Planning Agency Public Hearing	2/7/2017	6:00 PM, City Commission Chambers, City Hall
X	Local Planning Agency Voting Meeting	2/15/2017	9:00 AM, Second Floor, Frenchtown Renaissance Center
	Joint City-County Commission Workshop	3/7/2017	1:30 PM, City Commission Chambers, City Hall
	Joint City-County Transmittal Public Hearing	4/4/2017	6:00 PM, City Commission Chambers, City Hall
	Joint City-County Adoption Public Hearing	5/23/2017	6:00 PM, City Commission Chambers, City Hall

Local Planning Agency Public Hearing – February 7, 2017. Three citizens spoke at this hearing to describe their experiences living close to the sand mine. The impacts they described included the noise, dust, and truck traffic associated with mining and ancillary activities. They also described reductions in the required buffers in several areas adjacent to residential areas, and expressed concerns over the various construction materials processing activities conducted onsite. While the citizens who spoke did not directly address the proposed amendment and the staff recommendation, they addressed issues they would like resolved through the amendment process, any future permitting, and code enforcement. This proposed amendment was continued to February 15, 2017.

Local Planning Agency Voting Meeting – February 15, 2017. The Local Planning Agency recommended denial of this proposed amendment with a 4-1 vote.

H. ATTACHMENTS

- Attachment #1: Comprehensive Plan policies
- Attachment #2: Land Development Code sections
- Attachment #3: City of Tallahassee Annexation Agenda Item

Complete Text of Comprehensive Plan Policies
Referenced in PCM201701 Report

LAND USE ELEMENT

Policy 2.2.3: [L]

RESIDENTIAL PRESERVATION (EFF. 7/16/90; REV. EFF. 7/26/06; REV. EFF. 4/10/09)

Characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function 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, including office as well as any 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.

Policy 2.2.5: [L]

SUBURBAN (EFF. 3/14/07)

To create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.

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

Development shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Suburban Intensity Guidelines (EFF. 3/14/07; REV. EFF. 7/14/14)

Table 4: Suburban Intensity Guidelines

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percent-age Mix of Uses
Low Density Residential	Residential, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ (4)	10,000 SQ FT/ACRE	65-80%
Low Density Residential Office	Residential, Office, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ (4)	10,000 SQ FT/ACRE (5)	
Medium Density Residential	Residential, Recreation, Light Infrastructure & Community Service	8 to 16 UNITS/ ACRE	20,000 SQ FT/ACRE	
Medium Density Residential Office	Residential, Office, Ancillary 1 st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post-Secondary Schools	8 to 20 UNITS/ ACRE	20,000 SQ FT/ACRE ⁽⁶⁾	
Village Center	Residential, Office, Commercial up to 50,000 SQ FT, maximum business size. Centers shall not be located closer than ¼ mile to another village center or commercial development including more than 20,000 SQ FT of floor area.	8 to 16 UNITS/ ACRE	12,500 SQ FT/ACRE per parcel for center 20 acres or less (7)	
Urban Pedestrian Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 16 UNITS/ (3) ACRE	Up to 20,000 SQ FT/ACRE (3)	35-50%
Suburban Corridor	Residential, Office, Commercial, Recreation, Light & Heavy Infrastructure & Community Service	Up to 16 UNITS/ ACRE	Up to 25,000 SQ FT/ACRE (8)	
Medical Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 20 UNITS/ (1) ACRE	80,000 SQ FT/ACRE (2)	
Business Park	Office, Residential and Commercial	Up to 16 UNITS/ ACRE	20,000 SQ FT/ ACRE	
Light Industrial	Office, Commercial up to 10,000 SQ FT per business, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service & Post-Secondary Schools and ancillary residential	1 UNIT/ DEVELOP MENT	20,000 SQ FT/ ACRE (9)	5-10%

Notes:

- (1) 8 units/acre minimum for exclusively residential;
- (2) Hospitals up 176,000 sq ft/acre;
- (3) 20 units/acre and 40,000 sq ft/acre for multiple use development; Combined residential and non-residential development may have up to 40,000 SF and up to a six story building. Residential use, office use and commercial use is allowed.
- (4) Low Density Residential and Residential Office development patterns can have a minimum of 1 unit per acre if water and sewer are not available.
- (5) The maximum square footage is increased to 12,500 SF if the project is a mixed-use development.

- (6) The maximum square footage increases to 40,000 SF per acre and maximum height increases to six stories if 50% of parking is structured. This provision only applies to areas previously designated as Mixed Use C
- (7) 250,000 SF of total development permitted on 20 to 30 acre centers.
- (8) Storage areas may be 50,000 SF per acre. Office and Retail is allowed.
- (9) Storage areas may be 50,000 SF per acre.

While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium density residential, office, retail and light industrial development. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

Land Use Policy 2.2.24: [L] (Revision Effective 7/26/06; Revision Effective 3/14/07)

URBAN RESIDENTIAL 2

The primary intent of the Urban Residential 2 land use category, which is to be applied only within the Urban Services Area, is to encourage a range of density (4-20 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district(s) shall contain design standards as well as locational criteria in order to accomplish these goals. The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as open space/recreation and community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential 2 may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing designated residential preservation area. The maximum residential density within the Urban Residential 2 category is 20 units per acre.

CONSERVATION ELEMENT

Policy 2.1.1: [C] (REV. EFF. 12/10/91; REV. EFF. 12/24/10)

By 1992, or within six months from receiving the final Water Management District Study, whichever occurs later, the local government shall adopt by ordinance and begin implementation of a watershed approach to water resource protection. This will result in the implementation of a single comprehensive stormwater management plan, which, by 1995, results in improvements to water quality in degraded water bodies and maintenance of water quality in all other water bodies. The plan shall include but not be limited to streambank and shoreline buffers,

preservation of natural vegetation, design and maintenance standards for on-site management systems, retrofit of existing development not in compliance with the Comprehensive Plan. As an interim measure, all design and water quality standards set forth in FAC 17-25 and 17-3 must be met as the required LOS for stormwater quality. The LOS for flooding must also be met as required in the Stormwater Sub-Element of the Comprehensive Plan.

Policy 2.2.3: [C] (EFF. 7/16/90)

Allow some redevelopment in floodplains that have been altered, while severely limiting alterations in undeveloped floodplains, by restriction vegetation removal and limiting fill. Altered floodplains may be redeveloped as long as the redevelopment does not impede water flow or displace volume.

Policy 2.2.4: [C] (EFF. 7/16/90)

Require additional restrictions in drainage basins that have been identified through scientific studies as having significant surface water degradation as defined by declining surface water systems, loss of aquatic plant and animal species, and an increase in the level of the parameters that define polluted water.

Policy 2.2.7: [C] (REV. EFF. 9/19/91)

Continue and refine the on-going studies of designated lakes to determine existing water quality in area lakes and develop management plans for the continued function of area lakes with minimum impact from development.

Policy 4.2.2: [C] (REV. EFF. 12/10/91)

The development code shall require investigation of all sub-surface conditions for land uses which have the potential for contamination of groundwater and shall require uses which have a significant potential for contamination to be monitored. The code may include but not be limited to buffer requirements around wells, monitoring of hazardous substance disposal, restriction of certain land uses with a defined area around wells (i.e., any land use which uses, produces or generates as a waste any listed Resource Conservation and Recovery Act material or Environmental Protection Agency priority pollutant), or requirements for monitoring wells around consumptive use wells.

Policy 4.2.5: [C] (EFF. 4/10/09; REV. EFF. 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.

Complete Text of Land Development Code
Referenced in PCM201701 Report

Sec. 10-260. - M-1 Light Industrial District.

The following applies to the M-1 Light Industrial District:

M-1 Light Industrial District

	<i>PERMITTED USES</i>		
<i>1. District Intent</i>	<i>2. Principal Uses</i>		<i>3. Accessory Uses</i>
The M-1 district is intended to be located in areas designated suburban on the future land use map of the comprehensive plan and shall apply to urban areas with convenient access to transportation facilities, where light manufacturing, processing, storage, community and recreational facilities and other activities compatible with light industrial operations are permitted. The district is not intended to accommodate heavy industrial operations or to accommodate commercial or residential development which would restrict the principal light industrial operations.	(1) Armored truck services. (2) Assembly of apparel and accessories. (3) Automotive service and repair, including car wash. (4) Bottling plants. (5) Broadcasting studios. (6) Building contractors and related services. (7) Cemeteries. (8) Communications and utilities. (9) Vocational schools and police/fire stations. (10) Crematoriums. (11) Distribution facilities. (12) Dry cleaning plants. (13) Food processing, excluding slaughter. (14) Golf courses. (15) Gun firing ranges (indoor). (16) Heavy infrastructure (maintenance yards,	(17) Laboratories; research and development activities. (18) Lawn and tree removal services. (19) Manufacturing (consistent with the definition of light industrial). (20) Non-medical offices and services, including business and government offices and services. (21) Off-street parking facilities. (22) Passive and active recreational activities. (23) Pest control services. (24) Pet day care centers. (25) Printing and publishing. (26) Repair services, non-automotive. (27) Towing, wrecking, and recovery services. (28) Transportation and freight handling activities.	(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the land use administrator. The 33 percent limitation does not apply to outdoor storage that is accessory to a permitted principal use. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the land use administrator. (3) Residential use (intended for watchman or guard not to exceed one dwelling unit per industrial use). (4) Outdoor storage (without the 33 percent limitation), provided it complies with section 7 below.

	motor pools, airports, land fills, sewage treatment plants, etc.).	(29) Warehouses, mini-warehouses, or self-storage facilities. (30) Waste tires and disposal.(31) Welding and machine shops. (32) Wholesale activities. (33) Wholesale building supplies. (34) 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.	
--	--------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<i>DEVELOPMENT STANDARDS</i>									
	<i>4. Minimum Lot or Site Size</i>			<i>5. Minimum Building Setbacks</i>				<i>6. Maximum Building Restrictions</i>	
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)
Permitted Principal Commercial Uses Numbers (3), (21), (25)	none	none	none	25 feet	none	25 feet	Ten feet	10,000 square feet of gross building floor area per parcel	Three stories
All Other Permitted Principal Non-Residential Uses	none	none	none	25 feet	none	25 feet	Ten feet	20,000 square feet of gross building floor area per acre. Fifty thousand square feet of gross building floor area per	Three stories

								acre for storage areas within buildings or warehousing as a principal use.	
<p>7. <i>Criteria for Outdoor Storage:</i> Outdoor storage is permitted as an accessory use to a permitted principal use (without the 33 percent limitation) if the outdoor storage area is screened with an opaque material (an opaque material may include vegetation). The opacity requirements are as follows: 100 percent along any property line that adjoins an existing residential use; 80 percent along any property line that adjoins any other type of use other than residential (commercial, office, etc.) or a street right-of-way. The determination of the adequacy of the opaque material will be evaluated at the time of permitting.</p>									
<p>9. <i>Street Vehicular Access Restrictions:</i> Properties in the M-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: 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.</p>									
<p>10. <i>Additional Criteria and Restrictions for Pet Day Centers:</i> Outside boarding and unsupervised outside activity are prohibited. In the event that a pet day care center abuts a residential property, the center shall not exceed an L10 noise level of 60 as measured on the property line abutting the center. Hours of operation for pet day care centers shall be 6:00 a.m. to 9:00 p.m. Indoor overnight boarding of pets is permitted.</p>									

General Notes:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500-gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to chapter 4, concurrency management for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
4. For cluster development standards, refer to section 10-426.

(Code 1984, ch. 27, § 10.6.UU; Ord. No. 01-O-28AA, § 27, 10-24-2001; Ord. No. 06-O-68AA, § 2, 11-21-2006; Ord. No. 09-O-06, § 4, 3-25-2009; Ord. No. 09-O-31AA, § 20, 10-29-2009)

CITY OF TALLAHASSEE**CITY COMMISSION AGENDA ITEM**

ACTION REQUESTED ON:	January 23, 2002
SUBJECT/TITLE:	Public Hearing Ordinance #02-O-04 Voluntary Annexation Madrone/Ruthenia/Lake Munson Mine
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

The owner of approximately 78 acres immediately south of Capital Circle Southeast 10 (see attachment 1) has petitioned for the annexation of property to the City of Tallahassee. The Commission set a public hearing for January 23, 2002.

The Leon County Board of Commissioners was given copies of the annexation agenda item for review and comment. Response from the Board is normally received prior to the public hearing, however the regular January 22, 2002 County Commission meeting was canceled and the item will not be reviewed until January 29, 2002.

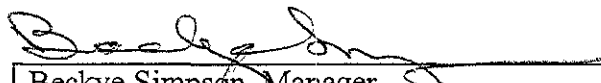
RECOMMENDED ACTION

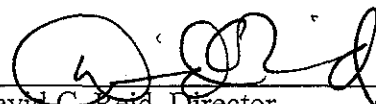
Option 1A) Hold the public hearing on Annexation Ordinance #02-O-04. At the conclusion of the hearing delay a vote on the Ordinance until February 13, 2002. This additional time will allow the County Commission to review the proposed ordinance at their January 29, 2002 meeting and submit comments. The City Commission, by this action, would comply with its policies and the statutory requirements for annexation.

Option 1B) Direct the Planning Department to rezone the 120 foot strip of land along Ruthenia Road to RP-1, after the annexation is effective.

FISCAL IMPACT

See attached January 9, 2002 City Commission agenda item.


Beckye Simpson, Manager
Office of Budget & Policy


David C. Reid, Director
Department of Management & Administration

For Information, please contact: Walt Kolb ext. 891-8048

ITEM TITLE: MADRONE/RUTHENIA/LAKE MUNSON MINE

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The advertising requirements set forth in Chapter 171, Florida Statutes have been satisfied. In order to comply with statutory requirements, the City Commission will need to receive citizen input during the public hearing and take action on the annexation ordinance.

The agenda material that accompanied the introduction of Ordinance 02-O-04 on January 9, 2002, is attached for further review.

The site specific zoning map classifies a 120 foot strip along Ruthenia road as RP. In order to conform to the City's zoning code this parcel should be reclassified RP-1.

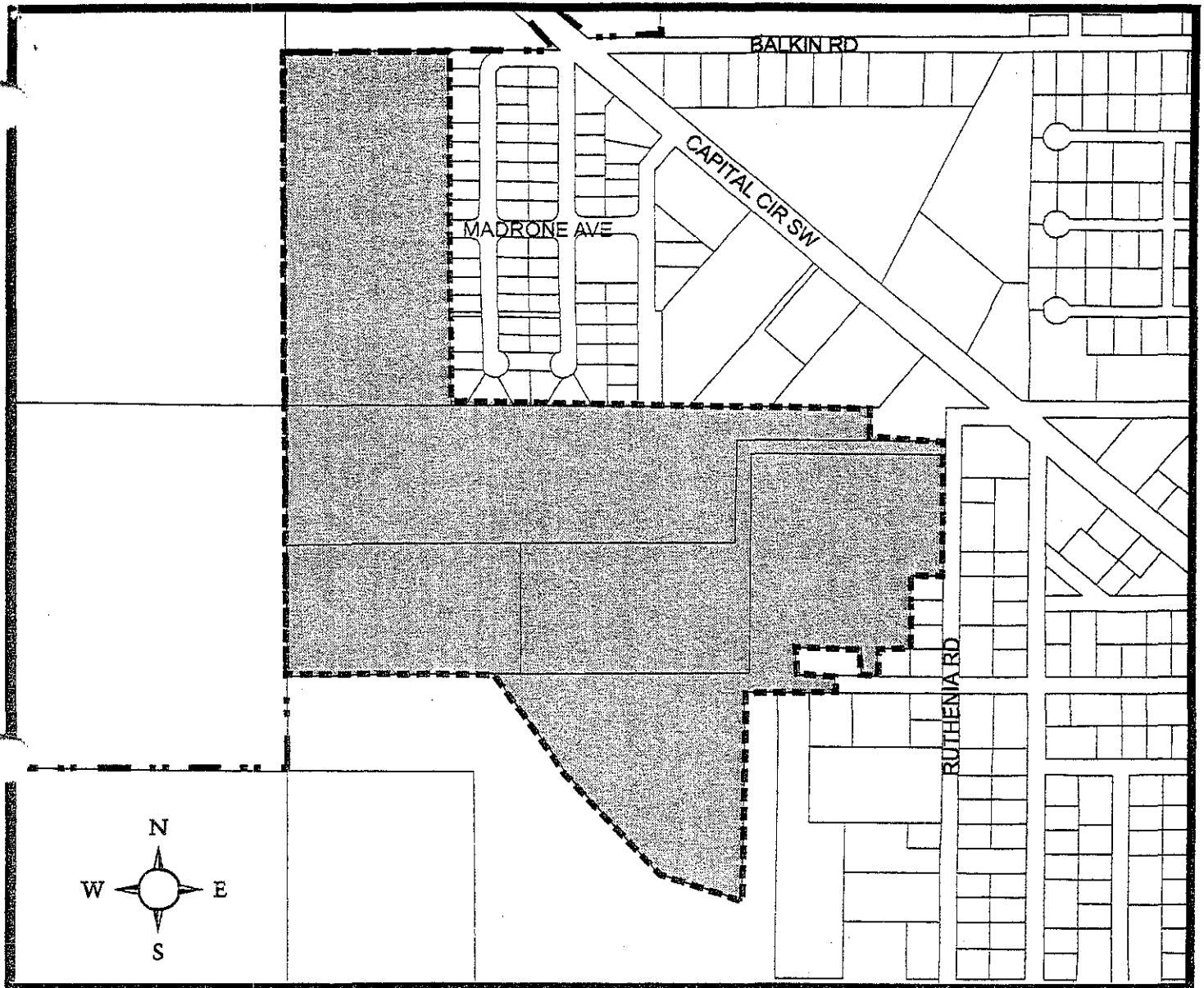
OPTIONS

1. A) Hold the public hearing on Annexation Ordinance #02-O-04. At the conclusion of the hearing delay a vote on the Ordinance until February 13, 2002. This additional time will allow the County Commission to review the proposed ordinance at their January 29, 2002 meeting and submit comments. The City Commission, by this action, would comply with its policies and the statutory requirements for annexation.

B) Direct the Planning Department to rezone the 120 foot strip of land along Ruthenia Road to RP-1, after the annexation is effective.
2. Hold the public hearing on the Ordinance, but continue the hearing until a date certain. This would delay final action on the annexation and may have an adverse effect on the petitioner's plans.
3. Hold the public hearing and at the conclusion of the hearing, deny the petitioner's request for voluntary annexation.

ATTACHMENTS/REFERENCES

- I. Proposed Annexation Map
- II. January 9, 2002, City Commission Agenda Item



DWG NO. OMB00094.CDR

Madrone / Ruthenia / Lake Munson Mine

PROPOSED ANNEXATION

LEGEND



CURRENT CITY LIMITS



PROPOSED CITY LIMITS

CITY OF TALLAHASSEE

CITY COMMISSION AGENDA ITEM

ACTION REQUESTED ON:	January 9, 2002
SUBJECT/TITLE:	Ordinance Introduction Voluntary Annexation # 02-O-04, Madrone/Ruthenia/Lake Munson Mine
TARGET ISSUE:	N/A

STATEMENT OF ISSUE

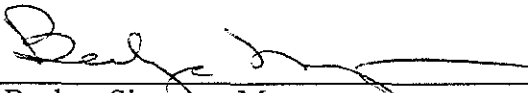
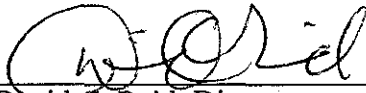
The City of Tallahassee has received a request to annex approximately 78.4 acres, immediately south of Capital Circle Southwest and adjacent to the City's water reclamation plant. The property owner is petitioning the Commission for incorporation of this land through the voluntary annexation process.

RECOMMENDED ACTION

Option #1. Introduce ordinance #02-0-04, and set January 23, 2002 for a public hearing.

FISCAL IMPACT

The requested annexation contains approximately 78.4 acres including four undeveloped parcels. If this area were inside the City during 2001 the owner would have paid \$794.00 in City property taxes. The petitioner has not submitted any development plans for this land, however City electricity, water and sewer services are available nearby.

	
Becky Simpson, Manager	David C. Reid, Director
Office of Budget & Policy	Department of Management & Administration

For Information, please contact: Walt Kolb ext. 891-8048

ITEM TITLE: VOLUNTARY ANNEXATION, MADRONE/RUTHENIA/LAKE MUNSON MINE

SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

The property proposed to be annexed is south of Capital Circle Southwest and adjacent to the Thomas P. Smith Water Reclamation Facility. The land is undeveloped, but one parcel contains a sand mine. This area is within the Urban Service Area (USA). The petitioners have not provided the City any specific development plans for their land.

The Site Specific Zoning map classifies the area RP Residential Preservation, R-1 and R-2 Single Family Detached Residential. If this area is annexed a 120 foot strip along Ruthenia Road currently zoned RP in the County should be rezoned RP-1, to conform to the City's Zoning Code. After adoption of the Annexation Ordinance, the Commission will be requested to instruct the Planning Department to initiate rezoning of this parcel.

This annexation if approved would help the Commission achieve its annexation goals and support its annexation policies. Incorporation of the area could support the implementation of the City Commission's Southern Strategy (SSA) for growth and development. The SSA boundary is immediately north of the proposed annexation.

OPTIONS

1. Introduce ordinance #02-O-04 and set January 23, 2002 for a public hearing.
2. Modify the suggested public hearing date.
3. Do not proceed with the requested voluntary annexation.

ATTACHMENTS/REFERENCES

- A. Location Map
- B. Growth Management Department's Comments
- C. Planning Department's Comments
- D. Water & Sewer Department's Comments
- E. City Attorney's Opinion
- F. Proposed Ordinance #02-0-04

STATEMENT OF URBAN SERVICES

I. INTRODUCTION

The purpose of this statement is to provide information on the land use compatibility and level of urban services that will be provided to the Madrone/Ruthinea/Lake Munson Mine proposed annexation.

II. LAND USE

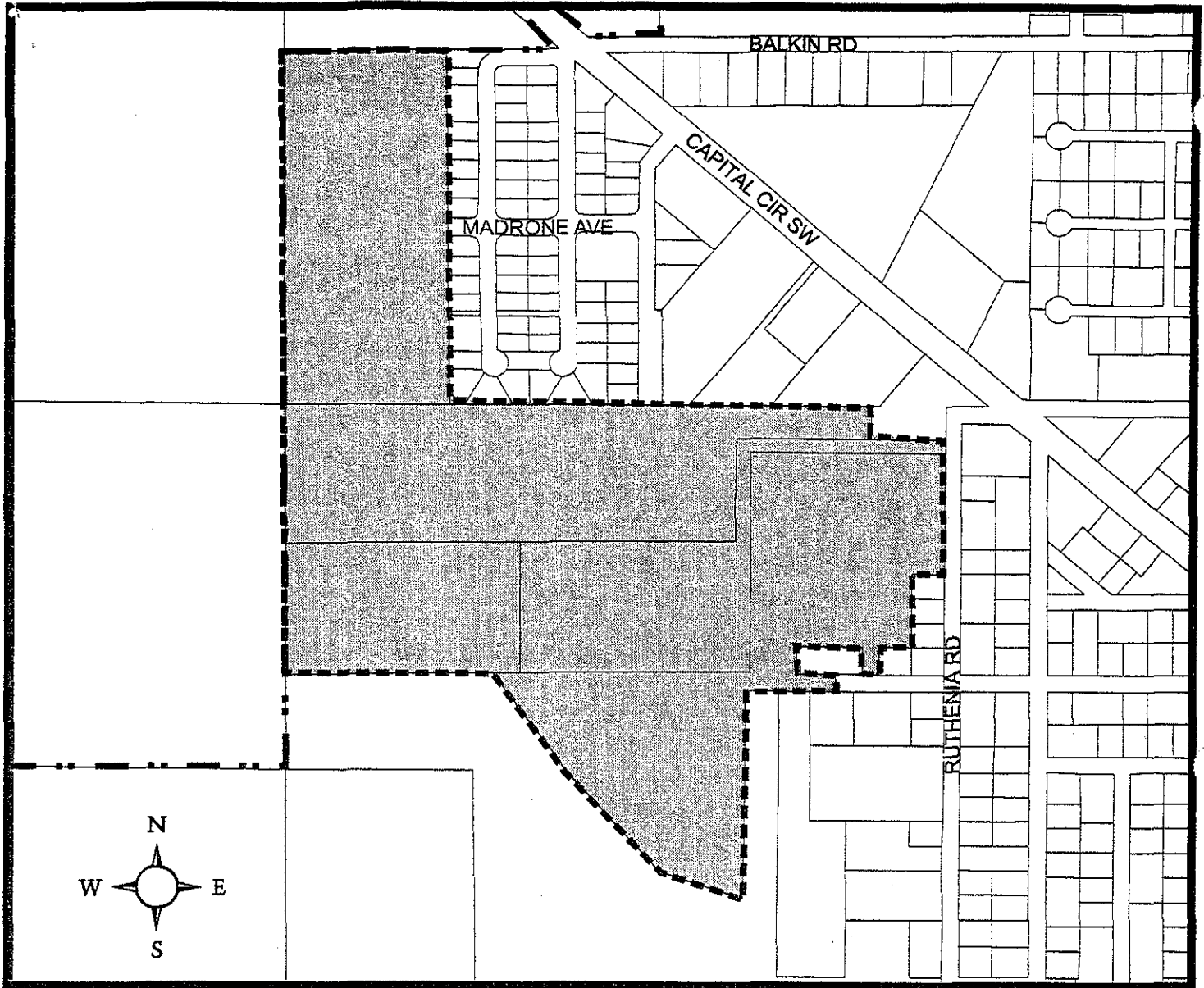
The area proposed for annexation consists of approximately 78.4 undeveloped acres. It is located within the Urban Services Area (USA). The land is zoned RP, R-1 and R-2. These categories allow single-family detached residential uses at 3.63 and 4.84 dwelling units per acre. The petitioners have not submitted any plans for review.

III. URBAN SERVICES

The level of urban services that may be provided to the area proposed for annexation will be consistent with the level provided to areas within the City.

- A. Fire Protection Service - The Tallahassee provides fire protection and emergency service on an area wide basis to property and residents within the City and Leon County. In the corporate limits, the fire department responds to alarms within an average of five (5) minutes. Fire Station Five (5) at the Tallahassee Regional Airport will provide fire and emergency service to this area. Upon annexation this undeveloped land will not be assessed the Leon County fire service tax. However, if the property is annexed and developed the owners will be charged a monthly City fire service fee based on the number of square feet in each structure.
- B. Police Protection Service - Tallahassee maintains a comprehensive law enforcement program. The full range of these City services in addition to those currently provided by the Leon County Sheriff will be available to the area upon annexation.
- C. Street Maintenance and Right-of-Way Service - The City has a comprehensive public street construction and maintenance program. It will assume responsibility for maintaining city-owned streets upon annexation.
- D. Traffic Planning and Control - The maintenance of street signs, pavement markings, and traffic signals on city-owned streets will be assumed by the City upon annexation.
- E. Street Lighting - Tallahassee has a comprehensive program for the installation and maintenance of streetlights. Within one year after annexation, the City will install streetlights on major thoroughfares and on city-owned neighborhood streets by request.

- F. Parks and Recreation Services - Currently there is sufficient capacity in all categories of parkland to accommodate this area. Upon development and annexation of this property, City water and sewer customers will not be charged the additional 37 ½ percent that residents in the unincorporated currently area pay for City recreation services.
- G. Bus Service - The City owns and operates a public transit system. Annually, a system-wide analysis is performed to evaluate bus service within all areas of the corporate limits. The area proposed for annexation currently does not have regular TalTran bus service. Dial-A-Ride, a specialized transportation service to citizens who are handicapped or over age sixty will be available upon annexation.
- H. Electric Service - The City currently provides electric service to this area. Extension of electric service to new customers in the area will be in accordance with established policy and other utility agreements.
- I. Water Service - The City currently provides water services to the area proposed for annexation.
- J. Sewer Service - The City currently provides sewer services in the area proposed for annexation.
- K. Gas Service - The City generally provides natural gas service to a site when requested and after a feasibility analysis. Natural gas is available in the area.
- L. Storm water Service - Storm water and flood control services will be provided at the same level as currently being provided to areas within the City.
- M. Solid Waste Service - Solid waste collection and disposal services will be provided by the City upon annexation.



DWG NO. OMB00094.CDR

Madrone / Ruthenia / Lake Munson Mine PROPOSED ANNEXATION

LEGEND



CURRENT CITY LIMITS



PROPOSED CITY LIMITS

Attachment A

Kolb, Walt

From: Arnold, Dwight
Sent: Friday, December 21, 2001 3:29 PM
To: Reid, David
Cc: Kolb, Walt; Herman, Robert
Subject: Voluntary Annexation: Madrone/Ruthenia/Lake Munson Mine Ord#02-O-04

The preliminary review of traffic shows a deficiency on Capital Circle SW between Springhill Road and Crawfordville Highway of -17. This indicates that any development that may come forward at this time will be limited to impacting this segment by less than 45 trips.

If we can be of further assistance please contact us at your convenience.

Attachment B



MEMORANDUM

*Tallahassee-Leon County
Planning Department*

**To: David Reid, Director, Department of Management
Administration**

From: Wendy Grey, Director, Planning Department

Date: December 28, 2001

**Subject: Consistency Review: Voluntary Annexation,
Madrone/Ruthenia/ Lake Munson Mine**

Staff has reviewed the proposed annexation lying southwest of Capital Circle SW (tax ID # 41-23-20-619, 622, 641, and 642-0000) and finds the proposal consistent with the Comprehensive Plan, subject to the following provisions of Intergovernmental Element Policy 2.1.4 being adequately met:

- The annexation is in accordance with the requirements of Chapter 172, Florida Statutes as set forth in Policy 2.1.4[I].
- The plan for annexation shall be provided by the City Manager to the County Administrator and the Board of County Commissioners at the time it is provided to the City Commission. All procedures for review and comment on the annexation as set forth in Policy 2.1.4[I] shall be followed.
- The City shall provide information as to how it will provide full urban services to the area to be annexed pursuant to Policy 2.1.1[I].
- A description of how land use compatibility will be ensured, pursuant to Policy 2.1.4(a)[I].
- A description of how facilities will be provided and by which entity, pursuant to Policy 2.1.4(b)[I].
- A description of how the level of service standards will be maintained consistent with the Comprehensive Plan, pursuant to Policy 2.1.4 (c)[I].
- The amount of any agreed upon water and/or sewer rebate that will be due to the petitioner, pursuant to Policy 2.1.4(d)[I].

The following is provided as additional information related to this site:

- This property is in the Mixed Use A and Residential Preservation land use categories on the Future Land Use Map.
- The Site Specific Zoning on these properties is as follows:
 - a. Parcel #41-23-20-619-000 is zoned Residence 2. The Residence 2 district allows single family detached homes at a density of 4.84 units per acre. If this property were annexed into the City Limits with R-2 zoning, manufactured homes would not be allowed on the parcel without rezoning. Planning Department records indicate that in October 1990 the parcel was rezoned subject to a Limited Use Site Plan that provided for a manufactured home subdivision with access to Madrone Avenue, an interconnection to the Woodhaven Subdivision. This site plan became void on May 1, 1992 with the adoption of the Mixed Use A zoning district.
 - b. Parcel #41-23-20-622-0000 is zoned primarily Residence 1 (R-1) with the exception of a strip along Ruthenia Road approximately 120 feet deep zoned Residential Preservation. You should coordinate with Wayne Tedder a rezoning for this strip to a City Residential Preservation zoning district. The Residence 1 zoning allows single family detached residences at a density of 3.6 units per acre. Planning Department records indicate a lengthy history on this parcel dating from the mid-1980's pertaining to a sand mine operation. Information regarding the status of this operation and whether it is in compliance with County regulations regarding operation and reclamation may be obtained from the Leon County Department of Growth and Environmental Management. That Department's phone number is 488-9300.

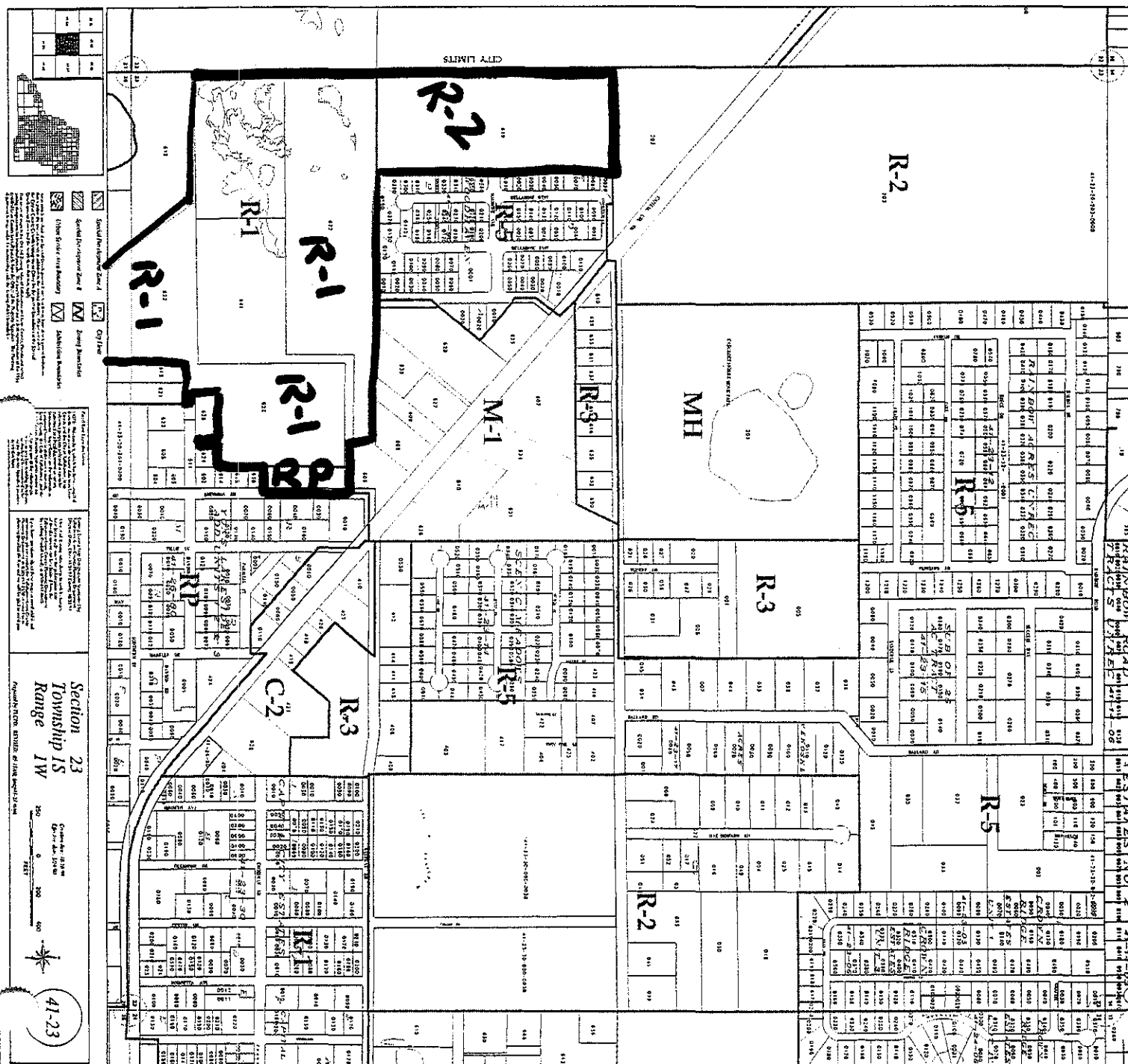
The R-1 district does not permit sand mining as a principal use. If a sand mining operation is on going, it is a nonconforming use and upon annexation would be subject to the nonconforming use provisions of the City Zoning, Site Plan, and Subdivision Regulations.

- c. Parcels #41-23-20-641 and 642-0000 are zoned Residence 1 (R-1). The R-1 district permits single family residences at a density of 3.6 units per acre. Manufactured homes are not a permitted use in the City R-1 district.

A zoning map is attached.

Attachment

cc: Val Hubbard
Wayne Tedder



Kolb, Walt

From: Printy, Tom
Sent: Sunday, January 06, 2002 11:39 AM
To: Kolb, Walt
Subject: RE: Madrone/Ruthenia/Lake Munson Voluntary Annexation #02-O-04

You are correct sewer and water are available at this time.

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

From: Kolb, Walt
Sent: Thursday, January 03, 2002 5:51 PM
To: Printy, Tom
Subject: Madrone/Ruthenia/Lake Munson Voluntary Annexation #02-O-04

Reference our 1/3/02 discussion, and to confirm your comments, you inform us that the above annexation currently has water and sewer service available, therefore annexing this property would not have any fiscal impact on your Departments plan or programs.
Walt

Attachment D



300 S. ADAMS ST.
TALLAHASSEE, FL
32301-1731
850/891-0010
TDD 1-800/955-8771
talgov.com

SCOTT MADDOX
Mayor
STEVE MEISBURG
Mayor Pro Tem

JOHN PAUL BAILEY
Commissioner
CHARLES E. BILLINGS
Commissioner
DEBBIE LIGHTSEY
Commissioner

ANITA R. FAVORS
City Manager
GARY HERNDON
Interim City Treasurer-Clerk

JAMES R. ENGLISH
City Attorney
SAM M. McCALL
City Auditor

M E M O R A N D U M

TO: David C. Reid, Director
Department of Management and Administration

FROM: James R. English, City Attorney

DATE: January 3, 2002

SUBJECT: Voluntary Annexation
Madrone/Ruthenia/Lake Minson

Pursuant to your request, I have reviewed the attached map of the above-referenced area in order to determine if this area meets the geographic requirements for annexation of Florida Statutes, Chapter 171.

After having fully reviewed the appropriate map, I am of the opinion that the area fully qualifies under the statutory requirements of Florida Statutes, Chapter 171.

If I can provide any additional information, please do not hesitate to call.

JRE/pb

attachment

Attachment E

An All America City

Page 106 of 1016
Posted 3:00 p.m. Feb. 27, 2017

ORDINANCE NO. 02-O-04

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

MADRONE / RUTHENIA / LAKE MUNSON MINE ANNEXATION

COMMENCE at the intersection of the southwesterly right-of-way boundary of State Road 261 (Capital Circle Southwest) with the south line of the west one-half (1/2) of the Northwest Quarter (1/4) of Section 23, Township 1 South, Range 1 West; thence, leaving the southwesterly right-of-way of said State Road No. 261, run South 89 degrees 50 minutes 22 seconds West, along the south line of the west one-half (1/2) of the Northwest one-quarter (1/4) of said Section 23, a distance of 325 feet, more or less to the northeast corner of that parcel described in Official Record Book 1313, Page 1515 (Tax I.D 41-23-20-619) of the Public Records of Leon County, Florida for the **POINT OF BEGINNING**. From said **POINT OF BEGINNING**, thence along the northerly, easterly and southerly boundary of said parcel last referenced as follows: thence South 00 degrees 40 minutes 05 seconds East, a distance of 1,298.12 feet; thence South 89 degrees 14 minutes 21 seconds East, a distance of 755.60 feet; thence South 89 degrees 56 minutes 55 seconds East, a distance of 752.07 feet; thence South 00 degrees 03 minutes 52 seconds West, a distance of 120.06 feet; thence South 89 degrees 55 minutes 41 seconds East, a distance of 269.95 feet; thence South 00 degrees 02 minutes 35 seconds West, a distance of 487.59 feet; thence South 88 degrees 47 minutes 57 seconds West, a distance of 117.73 feet; thence South 00 degrees 26 minutes 28 seconds West, a distance of 266.53 feet; thence South 89 degrees 20 minutes 30 seconds West, a distance of 120.71 feet; thence South 00 degrees 03 minutes 16 seconds West, a distance of 99.98 feet; thence South 89 degrees 54 minutes 46 seconds West, a distance of 59.98 feet; thence North 00 degrees 03 minutes 09 seconds East, a distance of 99.97 feet; thence South 89 degrees 54 minutes 33 seconds West, a distance of 239.99 feet; thence South 00 degrees 00 minutes 56 seconds East, a distance of 100.12 feet; thence North 89 degrees 51 minutes 13 seconds East, a distance of 89.94 feet; thence South 00 degrees 02 minutes 50 seconds West, a distance of 59.97 feet; thence South 89 degrees 50 minutes 35 seconds West, a distance of 330.09 feet; thence South 00 degrees 05 minutes 45 seconds West, a distance of 745.02 feet; thence North 72 degrees 30 minutes 33 seconds West, a distance of 299.61 feet; thence North 43 degrees 09 minutes 53 seconds West, a distance of 496.22 feet; thence North 33 degrees 34 minutes 41 seconds West, a distance of 434.54 feet to an intersection with the southerly boundary of that parcel described in Official Record Book 1610, Page 1593 (Tax I.D 41-23-20-642) of said Public Records ; thence North 89 degrees 43 minutes 10 seconds West, along said southerly boundary last referenced, a distance of 722.30 feet to an intersection with the east boundary of Section 22, Township 1 South, Range 1 West; thence North 00 degrees 19 minutes 08 seconds East, along the east boundary of said Section 22, a distance of 2,273.51 feet; thence North 89 degrees 45 minutes 46 seconds East, a distance of 564.85 feet to the **POINT OF BEGINNING**; Containing 78.418 acres, more or less.

Section 2. That upon this ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the _____ day of _____, 2002

PASSED the City Commission on the _____ day of _____, 2002

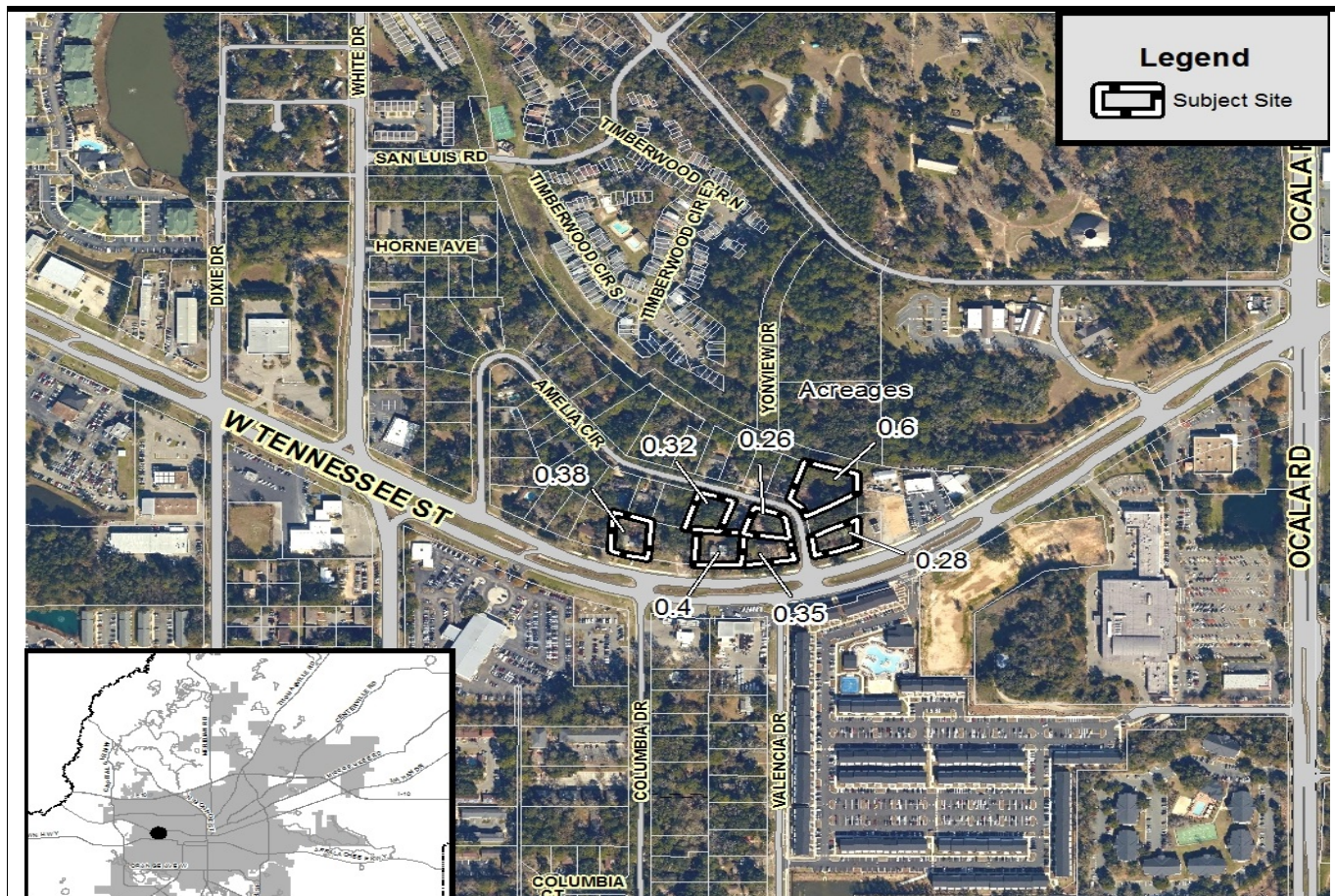
SCOTT MADDOX, Mayor

ATTEST:

GARY HERNDON
City Treasurer-Clerk

APPROVED AS TO FORM:

JAMES R. ENGLISH
City Attorney



SUMMARY

Property Owners:	Property Location:	TLCPD Recommendation:
Tesfa Haile, Belen Mills, and Irma Waddell	North of West Tennessee Street and on Amelia Circle	Denial
Applicant:		
Tesfa Haile		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Debra Thomas	<u>Future Land Use</u> : Residential Preservation <u>Zoning</u> : Residential Preservation-1	Denial
Contact Information:	Proposed Future Land Use & Zoning:	
Debra.Thomas@talgov.com (850) 891-6418	<u>Future Land Use</u> : Suburban <u>Zoning</u> : Office Residential-1	
Date: December 29, 2016	Updated: February 20, 2017	

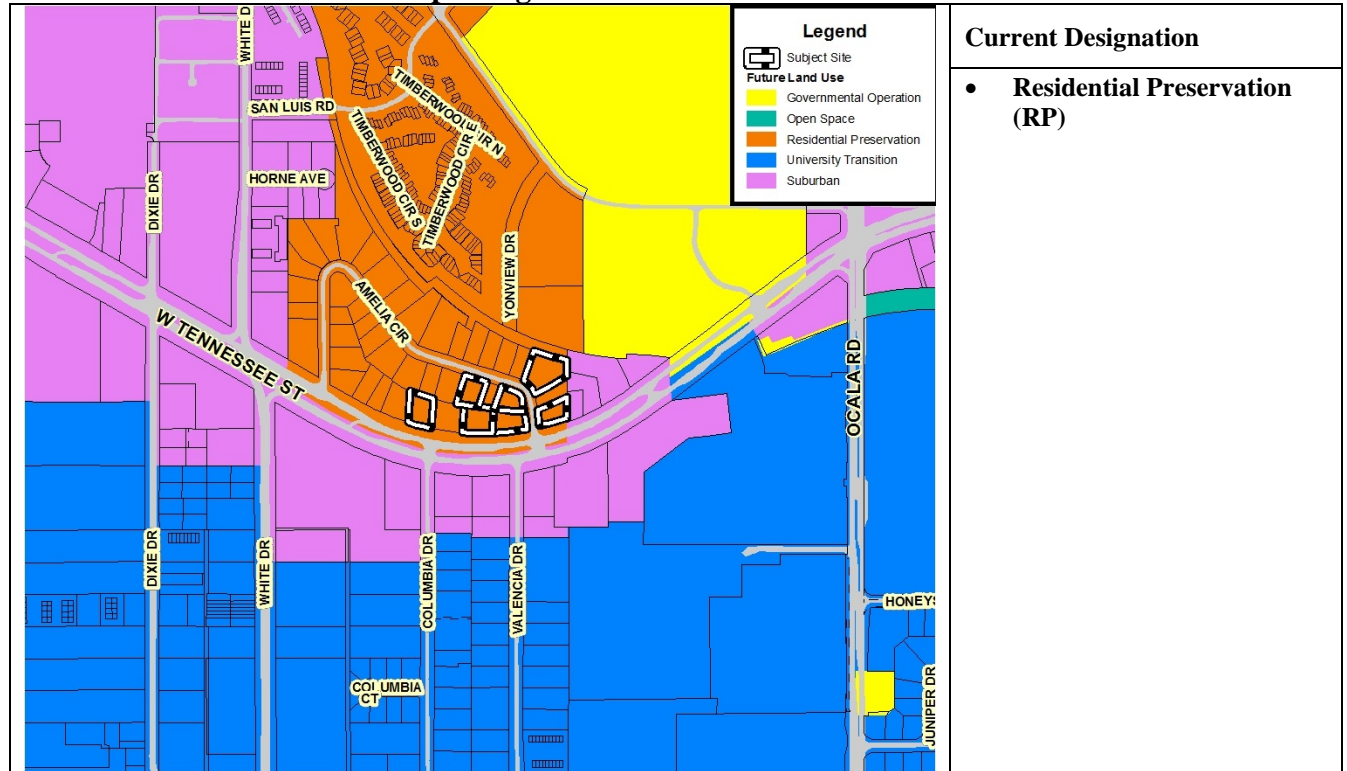
A. REASON FOR REQUESTED CHANGE

The applicant states that the subject site is adjacent to Highway 90 (West Tennessee Street) and is “very unsuitable for residential and would make for very good commerce.” According to the applicant, the proposed amendment “would allow for a more dense commercial district, as across the street are miles of commercial shop of many varieties, and a residential district is unsuited for the area our houses reside in. With businesses able to open up here, it would allow for a smaller footprint on Tallahassee's shrinking natural resources.”

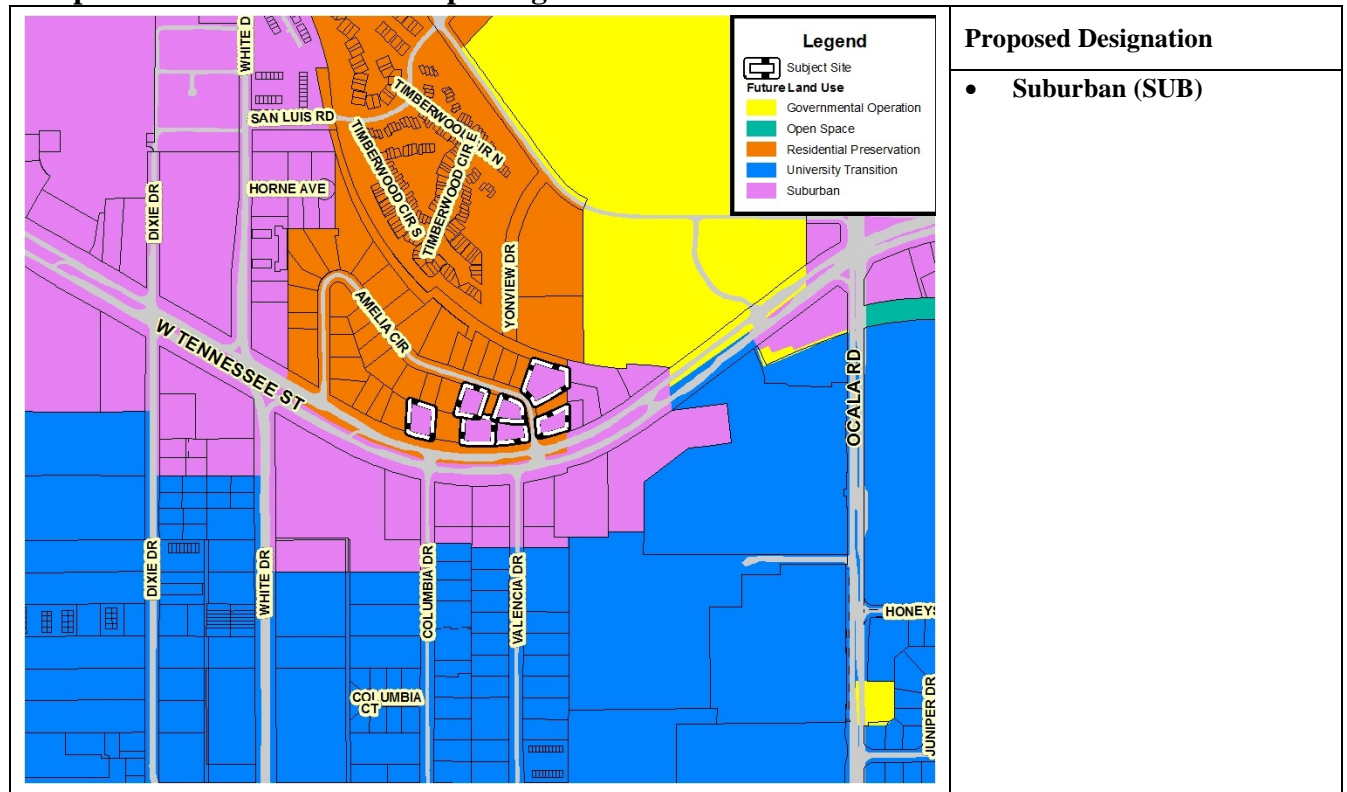
B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION

The subject site consists of seven (7) noncontiguous parcels located in the White Acres Addition subdivision. The proposed map amendment would change the Future Land Use Map (FLUM) designation of the seven parcels (approximately 2.59 acres) from Residential Preservation (RP) to Suburban (SUB). The following maps illustrate the current and proposed FLUM designations for the subject site.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



C. STAFF RECOMMENDATION

Find that the proposed future land use maps amendment is inconsistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and **deny** the proposed amendment.

Find that the proposed rezoning is inconsistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and **deny** the proposed rezoning.

D. FINDINGS

Staff presents the following findings of fact:

1. The proposed amendment is inconsistent with the Vision Statement of the adopted Comprehensive Plan, which states “It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of non-residential uses.”
2. Pursuant to Land Use Policy 2.1.1, the proposed amendment appears to signify an “encroachment of incompatible uses that are destructive to the character and integrity of the residential environment.” The subject site is part of an existing residential neighborhood. The proposed amendment would start the orientation of nonresidential uses onto Amelia Circle, which could result in erosion of the existing residential neighborhood.
3. The subject site meets the Comprehensive Plan criteria for designation as Residential Preservation per Policy 2.2.3.
4. The proposed amendment is inconsistent with Housing Element Objective 3.2, which provides for fostering and maintaining the viability of residential areas and neighborhoods and the integrity of the housing stock located within them.
5. The development resulting from the proposed amendment could increase the traffic flow on Amelia Circle, a local residential street with open ditches, no curb and gutter, and no sidewalks, and cause access management issues on Tennessee Street. This is inconsistent with Mobility Element Objective 1.4 which seeks to preserve the integrity of the transportation system.

E. STAFF ANALYSIS

This amendment request was submitted by three (3) property owners. The subject site consists of seven parcels. The subject site is part of White Acres Addition subdivision, an older inner city residential neighborhood developed in the 1950’s. There are approximately 42 dwelling units in the neighborhood with a density of 2.59 units per acre. The neighborhood consists of thirty-nine (39) single family homes, one (1) multi-family unit, and two vacant lots. Today, the White Acres Addition is a low density residential neighborhood, primarily comprised of rental units. However, there are several homeowners who do live in the neighborhood.

Current and Proposed Future Land Use Categories

Residential Preservation (Current)

The subject site is currently designated Residential Preservation (RP) on the Future Land Use Map (FLUM). Policy 2.2.3 of the Land Use Element of the Comprehensive Plan outlines the intent and typical uses associated with the RP land use category.

The primary function of the RP category is to protect existing residential areas from incompatible land use intensities and densities. Under this category, residential development is permitted at a maximum density of six (6) dwelling units per acre. Commercial, office, and industrial land uses are prohibited. To be included within the Residential Preservation future land use category, an area should meet most, but not necessarily all, of the criteria listed below. This amendment has been evaluated against the Residential Preservation criteria as follows:

A) Existing land use within the area is predominantly residential.

The subject site and immediate area consists primarily of single-family detached homes since they are a part of the White Acres Addition neighborhood.

B) Majority of traffic is local in nature.

Amelia Circle is a local street and the majority of the traffic on it is local in nature. Seven of the parcels in White Acres Addition fronts on Tennessee Street, a major arterial road.

i) Predominance of residential uses front on local streets.

The majority of the homes in the subdivision front Amelia Circle a local street.

ii) Relatively safe internal mobility.

While some homes do gain access from Tennessee Street, a major arterial, the majority of residences are located on Amelia circle, a relatively safe roadway with low speeds and low traffic volumes.

C) Densities within the area generally are six (6) units per acre or less.

The overall gross density for the subject site is 2.59 units per acre which is consistent with the density of the Residential Preservation future land use category and the Residential Preservation-1 zoning currently attached to the subject site.

D) Existing residential type and density exhibits relatively homogeneous patterns.

The majority (+90%) of residences within White Acres Addition are single family detached dwellings on 1/4 to 1/2 acre lots.

E) Assessment of stability of the residential area, including but not limited to:

i) Degree of home ownership.

Nine of the homes in the neighborhood (approximately 20%) have homestead exemptions.

ii) Existence of neighborhood organizations.

The subject site is part of an active Neighborhood Association, known as Amelia Circle Neighborhood Association.

The subject site and immediate area appear to meet most of the criteria for the Residential Preservation category, with the most prominent exception being the degree of homeownership. It should be noted that areas designated as Residential Preservation are not required to meet all of the aforementioned metrics, but should be consistent with a majority. The complete text of the Residential Preservation FLUM category is provided as Attachment #1.

Suburban (Proposed)

Land Use Element Policy 2.2.5 establishes the Suburban (SUB) land use category. This land use category is intended to create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Because business activities are varied they may attract customers from throughout the community. If the subject site is changed to Suburban, various uses could be permitted on the subject properties. Allowed uses under Suburban include low and medium residential up to twenty dwelling unit per acre, office, commercial, cultural and recreational. While there is a mixture of uses and development patterns in the vicinity of the request, the subject site is part of a platted subdivision consisting of low density residential homes.

The complete text of the Suburban FLUM category is provided as Attachment #2.

Consistency with Comprehensive Plan

From the Comprehensive Plan Vision and Implementation Statement:

“It is the intent of the Comprehensive Plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of non-residential uses. The residential environment is one of many criteria, which form the community’s perceived quality of life and must be protected..... Citizens identify with and value their neighborhoods in all parts of the community and at all income levels.....Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actually changes, but also the perception of a constant assault on a neighborhood undermine an otherwise desirable residential environment...”

In the Comprehensive Plan, the residential environment is one of many criteria, which form the community’s perceived quality of life. Because of this, the Plan recognizes the value of existing neighborhoods and seeks to protect them from incompatible uses that could be destructive to their residential viability. Plan policies that promote the protection of neighborhoods include Land Use Policy 2.1.1 which protects these areas from the encroachment of incompatible uses that are

destructive to their character, and Housing Objective 3.2 which seeks to foster and maintain the viability of residential areas, neighborhoods, and the housing stock located within them.

Approval of this amendment could result in erosion of the existing residential neighborhood by allowing nonresidential uses within a residential neighborhood at a scale and intensity not consistent with the adjacent properties. While the Comprehensive Plan encourages a wider variety of uses and greater range of economic development opportunities in the urban core, it does not promote conditions leading to the conversion of residential enclaves, which although not meeting all of the criteria for inclusion in the Residential Preservation future land use category, remain viable for residential use and provide important housing opportunities in close proximity to the downtown area, the universities, and employment centers.

The proposed request could also negatively affect the transportation network in the immediate area by increasing vehicular traffic and access needs. This is inconsistent with Objective 1.4 of the Mobility Element and corresponding policies 1.4.1 and 1.4.8 which seek to control the location, spacing, operation and design of access connections and median openings. Three of the subject parcels front on Tennessee Street, a major arterial roadway, and more intense development could increase traffic congestion, in part because the more intense development would still access the individual sites through the existing driveways. Because the subject site is comprised of multiple, non-contiguous parcels that are not owned by a single property owner, addressing access management standards for redevelopment on the subject site would not likely be possible. The other subject parcels front Amelia Circle, a narrow local street, with open ditches, no curb and gutter, and no sidewalks. Pedestrian and vehicular safety could be an issue on this street if the proposed amendment is approved.

Lastly, the White Acres Addition neighborhood consists of forty-two parcels, and only seven lots are included in this request. The seven lots are also not contiguous. Other property owners in the neighborhood have been contacted by staff and have not expressed an interest in being included in the proposed amendment. While a rezoning of the entire neighborhood could be considered if all owners were supportive, the proposed amendment would negatively affect the overall neighborhood integrity.

The complete text of the above goals, objectives and policies referenced is included as attachment #3.

Zoning

A rezoning application will be processed concurrently with this amendment, if approved. A zoning change from the Residential Preservation-1 (RP-1) District to Office Residential -1 (OR-1) District is being requested to implement the proposed amendment to the Future Land Use Map. The Land Development Code sections for Residential Preservation-1 (Section 10-241) and Office Residential-1 (Section 10-251) zoning are included as Attachment #4.

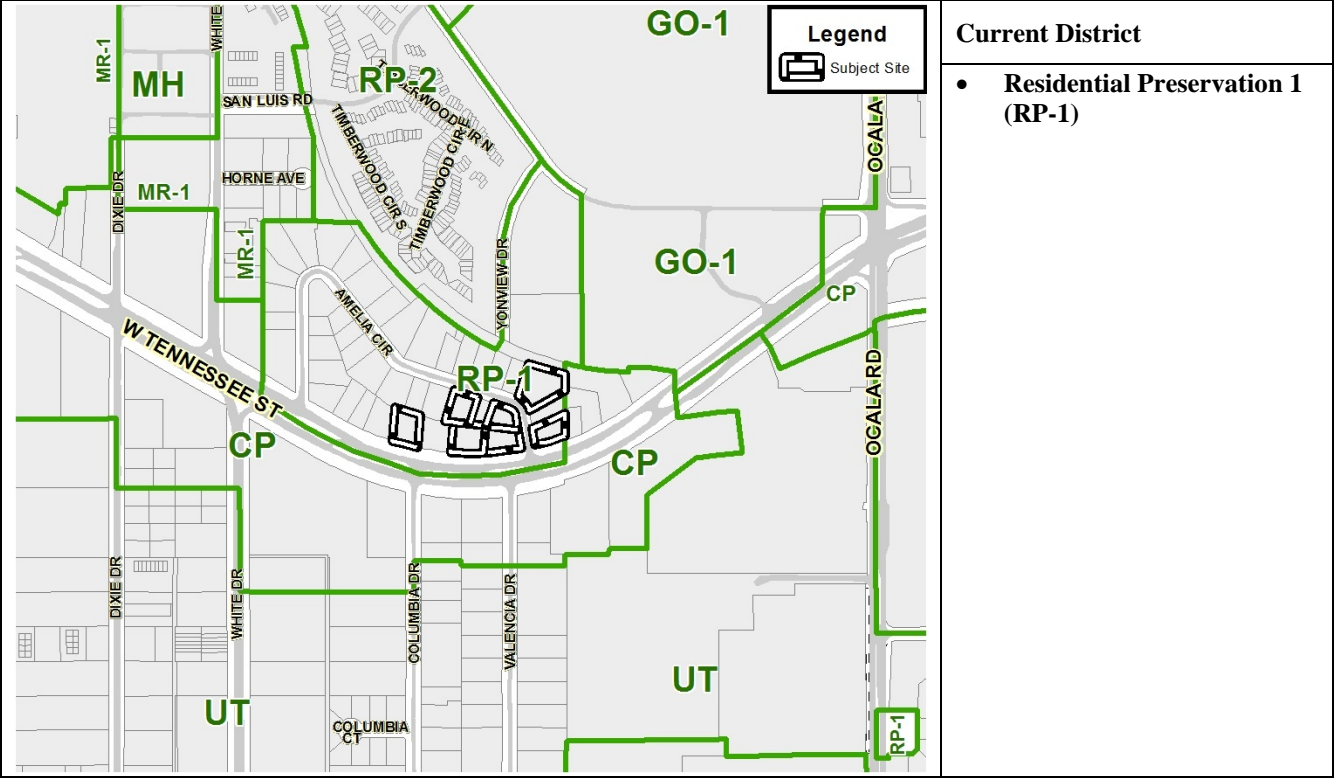
The current Residential Preservation-1 zoning district allows low density residential in the form of single family development up to a maximum density of three and six-tenths (3.6) dwelling units per acre. It also allows passive and active recreation, community services, and light infrastructure. Under

this zoning district, commercial, retail, office and industrial activities are prohibited. However, certain non-residential activities may be permitted as home occupations.

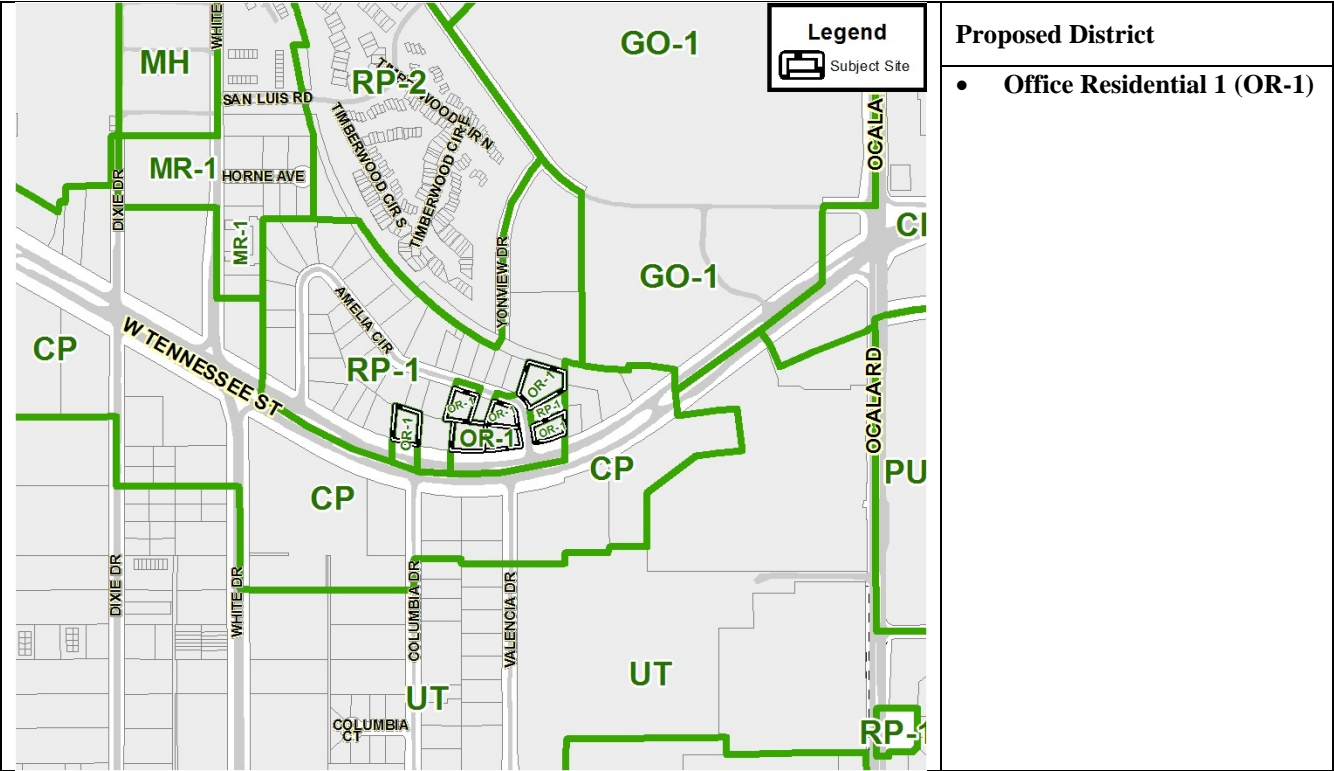
The proposed Office Residential-1 zoning district provides for office and residential uses. Under the district, a variety of housing types (single family and multifamily), compatible non-retail activities of moderate intensity and certain community related facilities related to office or residential facilities (recreational, community services and light infrastructure) may be permitted. The maximum gross density allowed for new residential development in the district is 8 dwelling units per acre. This district is not intended to replace viable residential areas.

The following maps illustrate the current and proposed zoning for the Subject Site.

Current Zoning



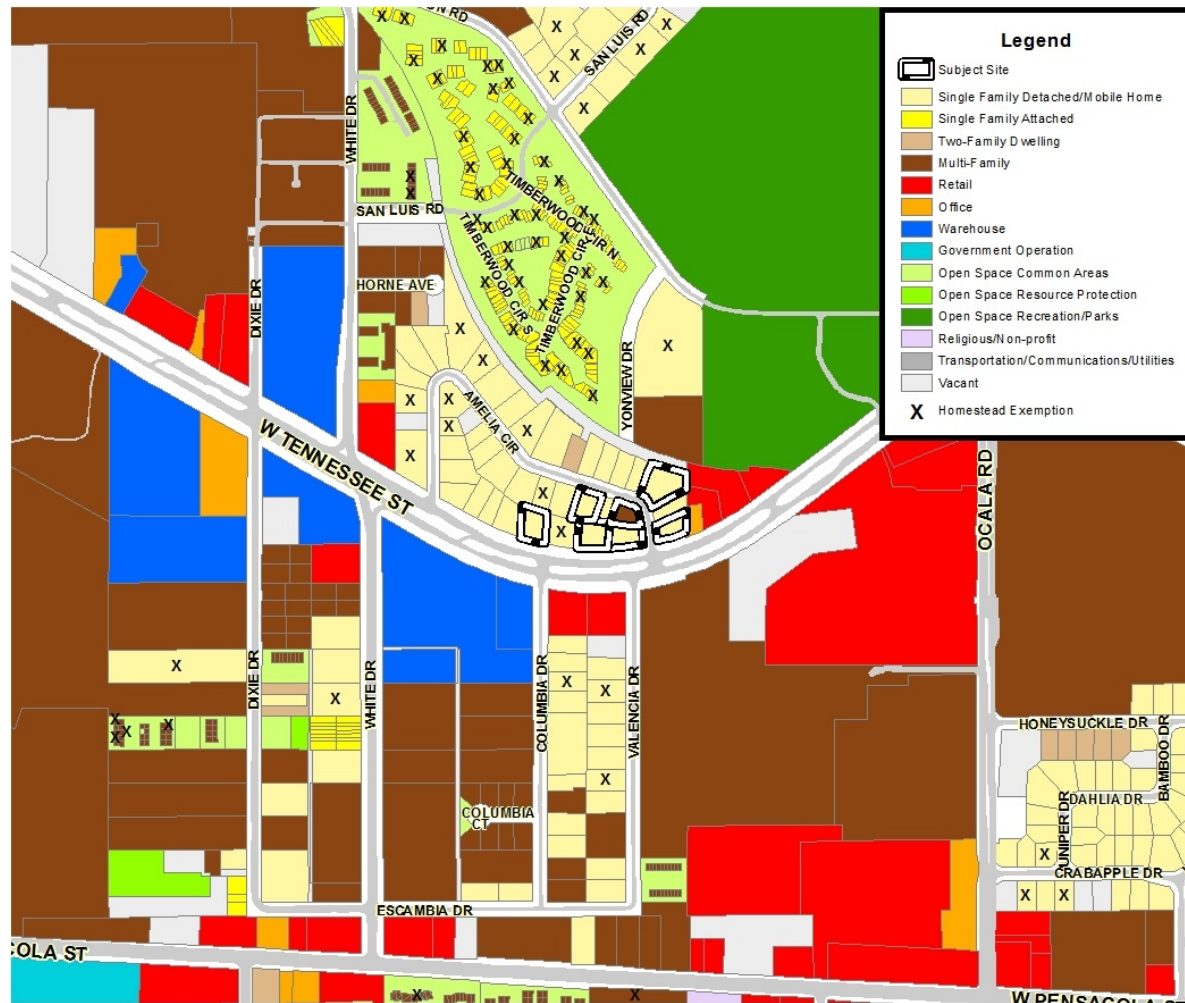
Proposed Zoning



Existing Land Uses

The subject site is currently developed with single family homes. Surrounding existing uses include retail/office to the east, single family detached and attached and multi-family to the north, and single family, retail, office and multi-family to the west.

Existing Land Use Map



Infrastructure Analysis

Water/Sewer

The subject site is currently served by City of Tallahassee potable water and sewer facilities.

Schools

The subject site is zoned for Riley Elementary School, Griffin Middle School, and Godby High School. School concurrency impact forms were submitted to the Leon County School Board's Division of Facilities, Construction and Maintenance and approved by the School Board on November 22, 2016.

School Name	Riley Elementary	Griffin Middle	Godby High
Present Capacity	89	9	260
Post Development Capacity	85	7	258

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.

Roadway Network

The subject site is served by a local road, Amelia Circle, and Tennessee Street, a principle arterial. The subject site is located within the Multimodal Transportation District (MMTD). The goal of the MMTD is to facilitate the use of multiple modes of transportation, leading to a reduction in automobile use and vehicle miles traveled. At the time of site plan, concurrency requirements will be determined for the project within the Multimodal District to fund needed facilities as redevelopment occurs on the subject site.

Pedestrian and Bicycle Network

There are no sidewalks or bicycle lanes on Amelia Circle. Sidewalks are on both side of Tennessee Street in this area, but no bicycle lanes are available on Tennessee Street.

Transit Network

The subject site is serviced by StarMetro's Azalea and Canopy routes. Florida State University's Seminole Express Bus Osceola and the Nite Nole routes also service the general area.

Environmental Analysis

The subject site is located within the Lake Munson drainage basin. The subject site is developed and there are no known protected environmental features onsite.

PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to approximately 166 **property** owners within 1,000 feet of Subject Site.

Public Outreach		Date	Details
X	Mail Notification of Proposed Changes	November 4, 2016	Notices Mailed to Property Owners within 1000 feet
X	Notice of Proposed Land Use Change and Rezoning	January 5, 2017	Two signs providing details of proposed land use and zoning changes posted on subject site
X	First Public Open House	November 17, 2016	5:30 PM, Second Floor, Frenchtown Renaissance Center
X	Staff Reports Available Online	January 13, 2017	Email Subscription Notice sent to all users of service
X	Second Public Open House	January 23, 2017	5:30 PM, Second Floor, City Commission Chambers, City Hall

First Open House: On November 17, 2016, the first open house was held on the proposed 2017 map amendments. Approximately 124 citizens attended the Open House to discuss the 2017 cycle amendments. Three citizens, including one of the applicants, were present to discuss this amendment.

Second Public Open House – January 23, 2017: 110 citizens attended the second open house to discuss the 2017 Cycle amendments. Of the 110 attendees, one joined a breakout group to specifically discuss this amendment.

F. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2016 Meetings		Dates	Time and Locations
X	Local Planning Agency Workshop	January 19, 2017	9:00 AM, Second Floor, Frenchtown Renaissance Center
X	Local Planning Agency Public Hearing	February 7, 2017	6:00 PM, Second Floor, City Commission Chambers, City Hall
	Joint City-County Commission Workshop	March 7, 2017	1:30 PM, Second Floor, City Commission Chambers, City Hall
	Joint City-County Transmittal Public Hearing	April 4, 2017	6:00 PM, Second Floor, City Commission Chambers, City Hall
	Joint City-County Adoption Public Hearing	May 23, 2017	6:00 PM, Second Floor, City Commission Chambers, City Hall

Local Planning Agency Public Hearing – February 7, 2017: The Local Planning Agency voted to approve staff's recommendation of **denial** of the proposed land use amendment and **denial** of the proposed rezoning. The vote was unanimous.

G. ATTACHMENTS

- Attachment #1: Land Use Element Policy 2.2.3 Residential Preservation Future Land Use Category
- Attachment #2: Land Use Element Policy 2.2.5 Suburban Future Land Use Category
- Attachment #3: Provision of Complete text of the following Comprehensive Plan Vision Statement, Policies and Objectives referenced in Report:
- Comprehensive Plan Vision Statement
 - Land Use Element Policy 2.1.1 Neighborhood Protection
 - Housing Element Objective 3.2 Housing Stock Preservation
 - Mobility Element Objective 1.4 Transportation Access Management
 - Mobility Element Policy 1.4.1 Transportation Access Management
 - Mobility Element Policy 1.4.8 Transportation Access Management
- Attachment #4: Zoning district charts for the following zoning districts referenced in report:
- Section 10-241 Residential Preservation-1
 - Section 10-251 Office Residential-1

LAND USE ELEMENT

Policy 2.2.3: [L]

RESIDENTIAL PRESERVATION (*Effective 7/16/90; Revision Effective 7/26/06*)

Characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function is to protect and preserve 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, including office as well as any 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. Compatibility with surrounding residential type and density shall be a major determinant in granting development approval.

For Residential Preservation areas outside the Urban Service area the density of the residential preservation area shall be consistent with the underlying land use category.

The Residential Preservation category shall be based on the following general criteria. For inclusion, a residential area should meet most, but not necessarily all of these criteria.

- 1) Existing land use within the area is predominantly residential
- 2) Majority of traffic is local in nature
 - a) Predominance of residential uses front on local street
 - b) Relatively safe internal pedestrian mobility
- 3) Densities within the area generally of six units per acre or less
- 4) Existing residential type and density exhibits relatively homogeneous patterns
- 5) Assessment of stability of the residential area, including but not limited to:
 - a) Degree of home ownership
 - b) Existence of neighborhood organizations

In order to preserve existing stable and viable residential neighborhoods within the Residential Preservation land use category, development and redevelopment activities in and adjoining Residential Preservation areas shall be guided by the following principles:

- a) The creation of transitional development area (TDA) for low density residential developments.

Higher density residential developments proposed for areas adjoining an established neighborhood within the residential preservation land use category shall provide a transitional development area along the shared property line in the higher density residential development. The development density in the transitional development area shall be the maximum density allowed in the Residential Preservation land use category. Development within the transitional development area shall be designed, sized and scaled to be compatible with the adjoining residential preservation area.

Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval. The factors cited in paragraph (e) below shall be considered when determining the size of transitional development areas. The land development regulations shall specify development thresholds for the implementation of transitional development areas.

b) Limitation on future commercial intensities adjoining low density residential preservation neighborhoods.

New or redeveloped commercial uses adjoining residential preservation designated areas shall mitigate potential impacts by providing a transitional development area between the commercial uses and residential preservation uses and only those commercial activities which are compatible with low density residential development in terms of size and appearance shall be allowed. The factors cited in paragraph (e) below shall be used when determining the compatibility, design techniques and the size of transitional development areas. The design and layout of adjoining commercial uses shall be oriented to place the section of the development with the least potential negative impacts next to the residential preservation area.

c) Limitations on existing light industry adjoining residential preservation neighborhoods.

New, expanding or redeveloped light industrial uses adjoining low density residential areas within the residential preservation land use category shall mitigate potential negative impacts by providing a transitional development area between the light industrial uses and the low and medium density residential uses. The factors cited in paragraph (e) below shall be considered when determining compatibility, design techniques and the size of the transitional development area.

The design and layout of adjoining light industrial uses shall be oriented to place the section of the development with the least potential negative impacts in the area next to the existing and/or future low density residential area in the residential preservation land use category. New light industrial land uses shall not be designated next to a residential preservation area.

d) Additional development requirements for allowed community facilities when adjoining low density residential areas, except for cemeteries or religious facilities to be used solely for religious functions. Such development requirements will also apply to ancillary facilities when proposed in conjunction with religious facilities, and are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the community facilities and the adjoining residential preservation area.

e) Land use compatibility with low density residential preservation neighborhoods

A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor. These factors shall also be used to determine the size of transitional development areas.

f) Limitations on Planned Unit Developments in the Residential Preservation land use category.

Planned Unit Developments proposed within *the interior of a* Residential Preservation designated recorded or unrecorded subdivisions shall be generally consistent with the density of the existing residential development in the recorded or unrecorded subdivision. *Parcels abutting arterial roadways and/or major collectors may be permitted to achieve six dwelling units per acre.*

The existing predominant development density patterns in Residential Preservation are listed in paragraph (g) below. Within 18 months of adoption, the PUD regulations shall be amended to include provisions addressing the preservation of established residential preservation designated areas. Said provisions shall address any proposed increase in density and the factors cited in paragraph (e) above.

g) Limitations on resubdivision of lots within established Residential Preservation designated areas.

To protect established single family neighborhoods from density intrusions, consistency within the recorded or unrecorded subdivision shall be the primary factor in granting approval for development applications. Consistency for the purposes of this paragraph shall mean that parcels proposed for residential development shall develop consistent with the lot size and density of the recorded or unrecorded subdivision.

1. Guidance on the resubdivision of lots in recorded and unrecorded single family subdivisions shall be provided in the Land Development Code.
2. Parcels proposed for residential development shall develop at densities generally consistent with the density of existing residential development in the recorded or unrecorded subdivision with the exception of parcels abutting arterial and/or major collector roadways which may be permitted up to six dwelling units per acre.

There may be two distinct density patterns in the Residential Preservation land use category as shown below:

<u>Existing land use character of the subdivision</u>	<u>Gross residential density</u>
Homogenous, very low density single family detached units (City Only)	0-3.6 dwelling units per acre (generally consistent with density of the subdivision)
Low density single family detached and/or non-single family detached units (including but not limited to townhomes and duplexes)	0-6.0 dwelling units per acre (generally consistent with density of the subdivision)

This section shall not be construed as to restrict the development of building types allowed by the applicable zoning district.

Policy 2.2.5: [L]

SUBURBAN (*Effective 3/14/07*)

To create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.

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

Development shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Suburban Intensity Guidelines *(Effective 3/14/07; Rev. Effective 7/14/14)*

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Low Density Residential	Residential, Recreation, Light Infrastructure & Community Service	0 to 8 units/acre ⁽⁴⁾	10,000 sq. ft. per acre	65-80%
Low Density Residential Office	Residential, Office, Recreation, Light Infrastructure & Community Service	0 to 8 units/acre ⁽⁴⁾	10,000sq. ft. per acre ⁽⁵⁾	
Medium Density Residential	Residential, Recreation, Light Infrastructure & Community Service	8 to 16 units/acre	20,000 sq. ft. per acre	
Medium Density Residential Office	Residential, Office, Ancillary 1 st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post Secondary Schools	8 to 20 units/acre	20,000 sq.ft. per acre ⁽⁶⁾	
Village Center	Residential, Office, Commercial up to 50,000 sq ft, maximum business size. Centers shall not be located closer than 1/4 mile to another village center or commercial development including more than 20,000 sq ft of floor area.	8 to 16 units/acre	12,500 sq.ft. per acre per parcel for center 20 acres or less ⁽⁷⁾	
Urban Pedestrian Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 16 units/acre ⁽³⁾	Up to 20,000 sq ft/acre ⁽³⁾	35-50%
Suburban Corridor	Residential, Office, Commercial, Recreation, Light & Heavy Infrastructure & Community Service	Up to 16 units/acre	Up to 25,000 sq ft/acre ⁽⁸⁾	
Medical Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 20 units/acre ⁽¹⁾	80,000 sq ft/acre ⁽²⁾	
Business Park	Office, Residential and Commercial,	Up to 16 units/acre	20,000 sq ft/acre	5-10%
Light Industrial	Office, Commercial up to 10,000 sq ft per business, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service & Post Secondary Schools and ancillary residential	1 unit / development	20,000 sq ft /acre ⁽⁹⁾	

Notes:

- (1) 8 units/acre minimum for exclusively residential;
- (2) Hospitals up 176,000 sq ft/acre;
- (3) 20 units/acre and 40,000 sq ft/acre for multiple use development; Combined residential and non-residential development may have up to 40,000 SF and up to a six story building. Residential use, office use and commercial use is allowed.
- (4) Low Density Residential and Residential Office development patterns can have a minimum of 1 unit per acre if water and sewer are not available.
- (5) The maximum square footage is increased to 12,500 SF if the project is a mixed-use development.
- (6) The maximum square footage increases to 40,000 SF per acre and maximum height increases to six stories if 50% of parking is structured. This provision only applies to areas previously designated as Mixed Use C
- (7) 250,000 SF of total development permitted on 20 to 30 acre centers.
- (8) Storage areas may be 50,000 SF per acre. Office and Retail is allowed.
- (9) Storage areas may be 50,000 SF per acre.

While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium

density residential, office, retail and light industrial development. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

Complete Text of Comprehensive Plan Policies Referenced in Report

VISION STATEMENT AND IMPLEMENTATION

(Rev. Effective 7/26/06; Revision Effective 1/7/10)

In the early 1820s, Florida government alternated business between St. Augustine and Pensacola. At that time, travel between the cities was hazardous and the journey long. In 1823, the site of Tallahassee was chosen as the seat of government for the Territory of Florida because of its central location and abundance of natural resources. It was noted then, "A more beautiful country can scarcely be imagined; it is high, rolling, and well watered." In the new capital, commerce expanded and a new school of higher learning was founded. From these historic roots, Tallahassee and Leon County is now the center of Florida's government and respected worldwide for its schools of higher education.

We are fortunate to have retained the natural beauty that inspired the sitting of Florida's state capital. The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County. The comprehensive plan seeks to balance the management of growth with environmental protection but gives precedence to environmental protection.

Evolving land use patterns within the County have exhibited sprawl characteristics. Sprawl is, perhaps, the most inefficient pattern of land use. Costs associated with the provision of both capital and social infrastructure are higher than more compact patterns. This must be taken into consideration when local government is faced with limited fiscal resources and increasing demand for services.

Sprawl encourages degradation of the County's natural resources by prematurely committing vast areas to the impact of urbanization. Phased, orderly growth mitigates this situation by comprehensively addressing development impacts to our natural systems. Leap frog development associated with sprawl is piecemeal in nature and is detrimental to any type of comprehensive framework.

Another aspect of urban sprawl is the tendency toward strip commercial development, i.e., the commercialization along major streets which occurs as infill between sprawled developments. This strip development negatively affects traffic safety and flow, as well as creating aesthetic problems associated with advertising signs. While many of the negative effects of strip development can be controlled to some extent by regulatory means, a more positive approach is to prevent its spread by means of land use policies.

The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens. The plan encourages and supports economically sound residential, educational, employment, cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment.

The natural environment is one of the many criteria which, when combined, form the community's perceived quality of life. The natural environment is a major component in the quality of life equation for Leon County. As such, it must be protected. Development and the ancillary activities associated with it must be channeled into locations that protect the natural and aesthetic environment. Unwise land use decisions which ultimately require expensive environmental retrofitting, paid for by the general populace, must be eliminated. In order to achieve this, it is the intent of this Plan to include strong environmental objectives and policies within the Land Use Element and other applicable portions of the Plan.

The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods. Citizens identify with and value their neighborhoods in all parts of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the perception of a constant assault on a neighborhood undermine an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of non-residential uses.

Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community's vision. An underlying premise is the linkage between land use and infrastructure. The plan is based on the principle that development should pay for itself and this vision is implemented, in part, through the accomplishment of several strategies described below.

Traditional values within Leon County prohibit the strict implementation of an urban containment strategy. Urban service area demarcations must be located to allow for some degree of large lot, single family subdivisions. In addition, some urban areas located away from the core, such as Chaires, Fort Braden, and Miccosukee, must be provided for. Overall, however, it is the intent of this comprehensive plan to concentrate development in the Tallahassee urban area plus provide for a minimum number of designated areas of urban development.

It is the responsibility of every citizen of Leon County to pay his or her fair share first to achieve and then to maintain the community wide adopted levels of service (LOS) for capital infrastructure and urban services. However, it is not a current resident's responsibility to pay for new developments' fair share costs through subsidization. Thus, in a sense, future development must be self-sufficient.

Existing and new residents should not be bound by minimum level of service standards adopted community wide. The ability to enhance these minimums should be provided for as long as the end user pays for the incurred costs. User fees, special assessments or MSTUs are instruments, which can be used to accomplish this. Furthermore, it should be recognized that congestion can actually be a sign of a healthy urban area, and that automobile congestion can lead to individuals making a modal switch to transit, provided the transit system provides access to common destinations with convenient frequency.

The plan encourages projects and activities that provide significant additional value to the community. This includes supporting development in strategic areas such as the Downtown Overlay, Multimodal Transportation District and Southern Strategy Areas.

The intent of the Southern Strategy is to direct quality development and redevelopment into the area designated as the Southern Strategy area. Success of the Southern Strategy will benefit the entire community in terms of an increased tax base, greater choices for residential and employment opportunities, and other general quality of life factors such as greater availability of shopping, recreation and educational opportunities throughout the community. The focus of this strategy is to make this area of the community a desirable residential location for people of all incomes. This area contains many assets we strive for in other parts of the community such as close proximity to jobs and downtown, walk-to commercial, neighborhood schools and parks, and affordable housing. Similarly, the Lake Bradford Chain of Lakes, the St. Marks Bike Trail and its extensions, and the proximity of the National Forest make this area important for environmental and recreational reasons. It also contains historic neighborhoods and is in proximity to cultural activities in the community, with museums and nearby concert facilities; educational activities, with two nearby universities and the community college. It contains a great diversity of neighborhoods, housing, and employment close to the urban core. These are the assets that make a true city.

The Downtown Overlay consists primarily of the urban core of the City of Tallahassee and is intended to clearly distinguish the City's Downtown Boundary. This overlay district primarily comprises the Capital Center area, Gaines Street Corridor, and parts of the Southern Strategy Area. The intent of this overlay district is to encourage high density and quality redevelopment as well as remove barriers to achieving the allowable densities within this area.

In order to ensure the long-term viability of our entire community as well as the efficiency of our public and private investments, it is important to protect the housing resources, neighborhoods, and business and commercial districts that make up the Multimodal Transportation District and the Downtown Overlay by adopting strategies which promote neighborhood revitalization, urban infill, homeownership, and redevelopment.

The plan also supports diversification of our local economy, utilizing our highly educated workforce, our two local universities, community college and various technical schools and state government. With approximately 38% of all employment in Tallahassee-Leon County based in the government sector, this community is a reflection of its role as the State Capital and as a center for higher education. This employment structure has long provided a stable and predictable economic base.

This plan recognizes the likely continuation of growth in the State government and university segments of the local economy. A major strength of this aspect of our community is the opportunity that it provides for selective diversification. With a strong economic base, the focus for the future can be to actively seek desirable industries that will have a synergy with existing economic resources, such as job training and research and development activities associated with the universities and other educational entities.

This Plan is based on maintaining the historical growth rate of Leon County. Specifically, Tallahassee-Leon County should continue to grow with an emphasis on selected growth that pays for itself through the provision of well paid jobs and economic leverage factors which enhance the quality of life of the community. The universities and state government, which have been our traditional economic strengths, should be built upon and encouraged to expand. Thus, selected recruitment and continued expansion of the universities and state government should form the nucleus for the continued growth of Leon County.

Our comprehensive plan is a living document, used every day in decisions made by local governments. It is regularly reviewed and amended to ensure that it remains current and consistent with our community vision.

Land Use Element Policy 2.1.1: [L] (REV. EFF. 6/28/95; REV. EFF. 7/26/06)

Protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Comprehensive Plan provisions and Land Development Regulations to accomplish this shall include, but are not limited to:

- a) Inclusion of a Residential Preservation category on the Future Land Use Map.
- b) Limitations on future commercial intensities adjoining low density residential areas. Such limitations are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the commercial uses and the low density residential uses; and are to allow only those commercial activities which are compatible with low density residential development in terms of size and appearance.
- c) Limitations on future higher density residential adjoining low density residential areas. Such limitations are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the higher density residential uses and the low density residential uses.
- d) Limitations on future light industry adjoining low and medium density residential areas. Such limitations are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the light industrial uses and the low density residential uses.
- e) Preclusion of future heavy industrial adjoining any residential area.
- f) Additional development requirements for allowed community facilities when adjoining low density residential areas, except for cemeteries or religious facilities to be used solely for religious functions. Such development requirements will also apply if ancillary facilities are

proposed in conjunction with religious facilities, and are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the community facilities and the low density residential uses.

Objective 3.2 [H] (EFF. 12/8/98)

Foster and maintain the viability of residential areas and neighborhoods and the integrity of the housing stock located within them. Neighborhoods in the community shall be safe, attractive, and desirable places in which people choose to live.

Objective 1.4: [M] (EFF. 12/15/11)

CONNECTIVITY & ACCESS MANAGEMENT

Reduce vehicle trip demand, increase access and safety for cyclists and pedestrians, and preserve the integrity of the transportation system with effective connectivity and access management programs.

Policy 1.4.1: [M] (EFF. 12/15/11)

Require vehicular, pedestrian, and bicycle interconnections between adjacent, compatible development; and require these interconnections between adjacent, incompatible developments if it has the potential to reduce the vehicular traffic on the external street system without negatively impacting either development.

Policy 1.4.8: [M] (EFF. 12/15/11)

The City of Tallahassee and Leon County shall adopt and maintain access management ordinances and supporting design standards to control the location, spacing, operation and design of access connections and median openings. Development access shall be designed to protect the maximum service volume, safety, and operating characteristics of transportation facilities that it impacts, considering impacts to all modes and users.

Section 10-251. OR-1 Office Residential District.

The following applies to the OR-1 Office Residential District:

1. District Intent	PERMITTED USES		
	2. Principal Uses		3. Accessory Uses
<p>The OR-1 district is intended to be located in 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 one another. The provisions of the OR-1 district are intended to provide the district with a residential character to further encourage this mixing of uses at a compatible scale. A variety of housing types, compatible non-retail activities of moderate intensity and certain community facilities related to office or residential facilities (recreational, community services, and light infrastructure) may be permitted in the OR-1 district. The regulations of these districts are not intended to displace viable residential areas. The maximum gross density allowed for new residential development in the OR-1 district is 8 dwelling units per acre.</p> <p>Development standards for properties located within the MMTD are established within Division 4 of this Code.</p>	<ul style="list-style-type: none"> (1) Bed and breakfast inns up to a maximum of 6 rooms. (2) Broadcasting studios. (3) Community facilities related to office or residential facilities, including libraries, religious facilities, police/fire stations, and elementary, middle, and high schools. Vocational schools are prohibited. Other community facilities may be allowed in accordance with Section 10-413 of these regulations. (4) Day care centers. (5) Medical and dental offices and services, laboratories, and clinics. (6) Non-medical offices and services, including business and government offices and services. 	<ul style="list-style-type: none"> (7) Nursing homes and other residential care facilities. (8) Passive and active recreational facilities. (9) Personal services. (10) Single-family attached dwellings. (11) Single-family detached dwellings. (12) Studios for photography, music, art, dance, drama, and voice. (13) Two-family dwellings. (14) Veterinary services, including veterinary hospitals. 	<ul style="list-style-type: none"> (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									
Use Category	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
	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	3,750 square feet end unit; 2,400 square feet interior lot	37.5 feet end unit; 25 feet interior lot	80 feet	15 feet	none	15 feet	25 feet	maximum length: 8 units	3 stories
Any Permitted Principal Non-Residential Use	6,000 square feet	50 feet	100 feet	15 feet	same as single-family above	25 feet	10 feet	10,000 square feet of gross building floor area per acre (does not apply to a conversion of an existing structure) or 12,500 square feet of gross building floor area per acre if the project is a mixed use development.	3 stories
<p>7. Off-Street Parking Requirements: Off-street parking facilities associated with permitted principal non-residential uses in the OR-1 zoning districts must comply with the following requirements except that conversions of existing structures (from one land use to another land use) and expansions of existing structures up to 50 percent of the size of the existing structure are exempt from the off-street parking requirements set forth in this subsection, provided there are no more than 4 new off-street parking spaces associated with the conversion or expansion including handicapped accessible parking space(s) and the surface of the new off-street parking is gravel or other paver block material. In addition, off-street parking spaces for conversions of existing structures (from one land use to another land use) and expansions of existing structures up to 50 percent of the size of the existing structures that are stacked behind one another on an existing paved driveway may count towards the meeting of the off-street parking requirements, provided these spaces do not back directly into a public right of way.</p> <p>a. Parking Setbacks: Side-Corner: 20 feet Rear and Side-Interior: 10 feet</p> <p>b. Driveway Setbacks: Side-Corner: 10 feet (none if driveway is shared) Rear and Side-Interior: 4 feet (none if driveway is shared)</p>									

DEVELOPMENT STANDARDS

Off Street Parking Requirements (Continued):

- c. Off-street parking may not be placed in a front yard between a building and the street.
- d. The parking or driveway separation from the building is 4 feet.
- e. All off-street parking spaces behind a building shall be screened from the required front yard and side corner lot areas by evergreen landscaping at least 4 feet in height.
- f. Parking spaces shall be screened from rear and interior side property lines by a combination of a 6 foot high opaque fence or wall and landscape plant material.
- g. Driveways connecting to a public street shall be the narrowest possible width to ensure appropriate safety standards, as determined by the City Traffic Engineer.

8. Lighting Standards: Night time lighting shall not exceed 0.5 vertical surface foot candle measured at the property line 6 feet above grade. Lighting standards shall not exceed 12 feet in height and shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood or spot lights used as general grounds lighting are permitted. Security lighting is permitted.

GENERAL NOTES:

- 1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
- 2. Refer to chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
- 3. Refer to chapter 4, concurrency management for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
- 4. For cluster development standards, refer to Section 10-426.

Tallahassee Land Development Code

Sec. 10-170. Residential Preservation District

- (a) *Purpose and Intent.*
 - (1) The district is characterized by existing homogeneous residential areas within the community which are predominantly accessible predominantly by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office and industrial activities are prohibited (Certain non-residential activities may be permitted as home occupations--See article VII of this chapter, Supplementary Regulations). Single-family, duplex residences, mobile home and cluster housing may be permitted within a range of zero (0) to six (6) units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density. No development in the residential preservation district shall be permitted which violates the provisions of Policy 2.1.1 of the Future Land Use Element of the 2010 Comprehensive Plan.
 - (2) For Residential Preservation areas outside the Urban Service Area the density of the non-vested development in residential preservation area shall be consistent with the underlying land use category: no more than one (1) unit per ten (10) acres in the Rural category; no more than one (1) dwelling unit per acre (clustered) or one (1) dwelling unit per three (3) acres (not clustered) in the Urban Fringe category. The Residential Preservation land use category is divided into five (5) zoning districts based upon existing development patterns and service provision:
 - a. RP-1;
 - b. RP-2;
 - c. RP-MH;
 - d. RP-UF; and
 - e. RPR.
 - (3) The intent of the districts listed in subsections (2) a. through e. of this section are as follows:
 - a. The RP-1 District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving single-family residential character, protecting from incompatible land uses, and prohibiting densities in excess of three and six-tenths (3.6) dwelling units per acre.
 - b. The RP-2 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.

- c. The RP-MH 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 manufactured home, mobile home, and conventional single-family and duplex residential development, providing protection from incompatible land uses and intensities, and prohibiting densities in excess of six (6.0) dwelling units per acre.
 - d. The RP-UF District is intended to apply to residential development in areas designated as both "Urban Fringe" and "Residential Preservation" on the Future Land Use Map, preserving the low intensity residential character of conventional single-family residential and manufactured home, mobile home, development, protecting from incompatible land uses and intensities, preventing the premature development of land at intensities not supportable by existing infrastructure or services, and prohibiting densities in excess of three and six-tenths (3.6) dwelling units per acre in platted subdivisions, one (1.0) dwelling unit per acre (net) for clustered developments on unplatted lots, or one (1.0) unit per three (3) acres, for all other developments.
 - e. The RP-R District is intended to apply to residential development in areas designated as both "Rural" and "Residential Preservation" on the Future Land Use Map, preserving the very low density rural residential character of conventional single-family residential and manufactured home, mobile home, development, protecting from incompatible land uses and intensities, preventing inefficient development patterns, and prohibiting densities in excess of three and six-tenths (3.6) dwelling units per acre in platted subdivisions, or one (1.0) dwelling unit per ten (10) acres on unplatted lots.
- (4) Applications for rezoning to any and all of the residential preservation districts shall include review to ensure compatibility with existing and surrounding residential type and density.
- (b) *Allowable Uses.* For the purpose of this chapter, the following land use types are allowable in the RP-1, RP-2, RP-MH, RP-UF and RP-R zoning districts and are controlled by the Land Use Development Standards of this chapter, the Comprehensive Plan and Schedules of Permitted Uses.
- (1) Low Density Residential
 - (2) Passive Recreation
 - (3) Active Recreation
 - (4) Community Services
 - (5) Light Infrastructure
- (c) *List of Permitted Uses.* See Schedules of Permitted Uses, subsections 10-241(a) and (b). Some of the uses on these schedules are itemized according to the Standard Industrial

Code (SIC). Proposed activities and uses are indicated in the schedules. The activity or use may be classified as permitted, restricted or permitted through special exception, or not allowed. Restricted and Special Exception Uses must meet the criteria in article VII of this chapter. Chapter 9, article III of this Code sets forth the development approval process required for allowable uses.

- (d) *Development Standards.* All proposed development shall meet the Land Use Development Criteria specified in subsection 10-241(b); commercial site location standards (section 10-174); buffer zone standards (section 10-177); criteria of the Land Development Standards Schedule (article IV, division 4 of this chapter); and parking and loading requirements (article VI of this chapter).

SECTION 10-241 RESIDENTIAL PRESERVATION

ALLOWABLE USES: APPROPRIATE PERMIT LEVEL AND APPLICABLE DEVELOPMENT AND LOCATIONAL STANDARDS

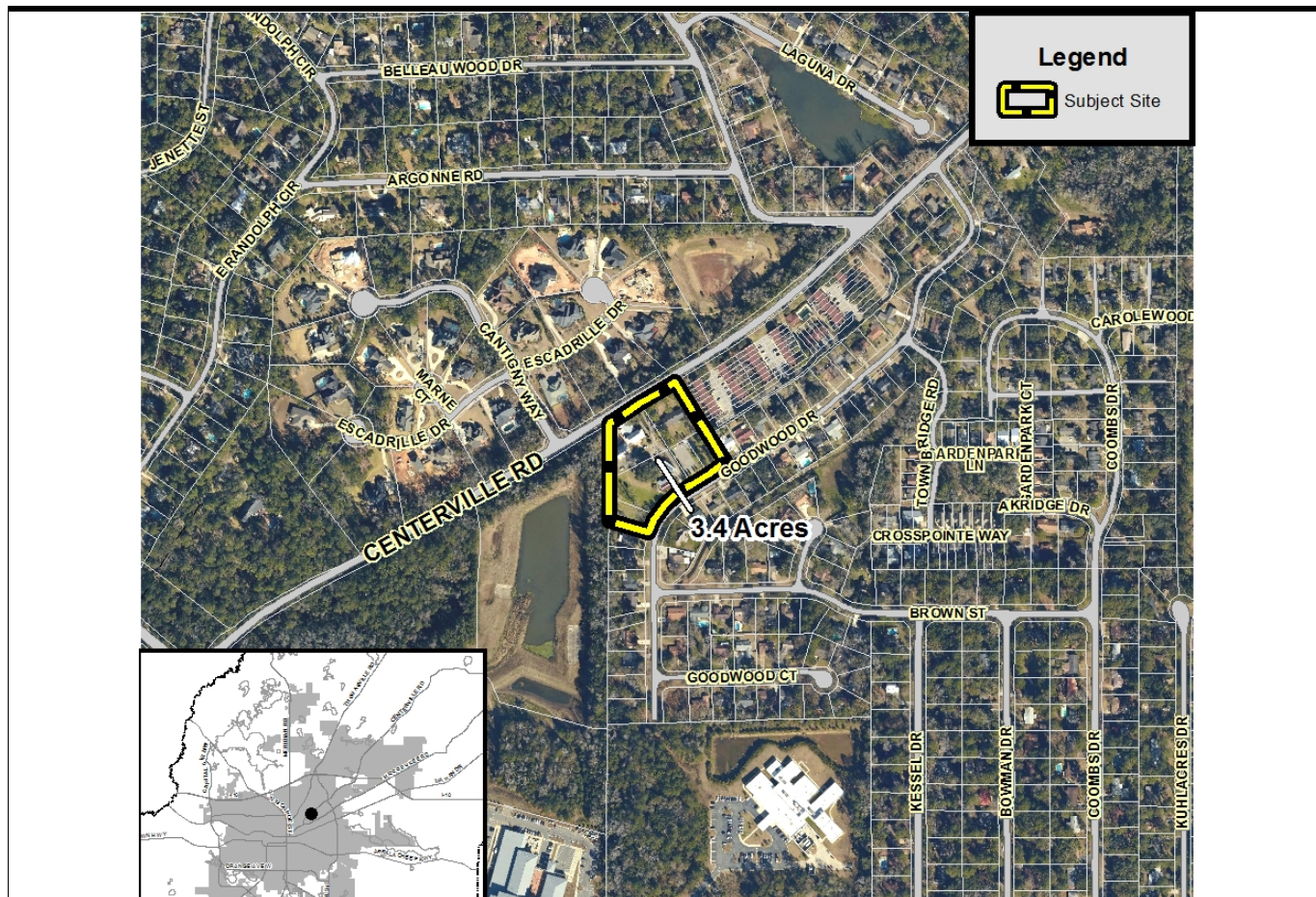
P PERMITTED USE
S SPECIAL EXCEPTION
R RESTRICTED USE

SIC CODE	RESIDENTIAL PRESERVATION - 1 NAME OF USE	LAND USE TYPE				
		LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, One-Family	P				
	(Rooming Houses are prohibited)					
	SERVICES					
821	Elementary and secondary schools				S	
866	Religious Organizations				S	
	RECREATION					
	Hiking and Nature Trails		P			
	Picnicking		P			
	Canoe Trails		P			
	Bicycle Trails		P			
	Horseback Riding Trails		P			
	Tot Lots					
	Court Sports					
	Field Sports					
	PUBLIC ADMINISTRATION					
	Police Protection					
	Fire Protection					
	Public Order and Safety					

LEGEND

LR = LOW DENSITY RESIDENTIAL
PR = PASSIVE RECREATION
AR = ACTIVE RECREATION
CS = COMMUNITY SERVICES
LI = LIGHT INFRASTRUCTURE

DEVELOPMENT TYPE				
RESIDENTIAL PRESERVATION-1	SINGLE FAMILY RESIDENTIAL UNITS	SINGLE FAMILY RESIDENTIAL UNITS CLUSTERED	ACTIVE RECREATION	COMM. SERVICES; ACTIVE REC.; PUBLIC, PRIMARY & SECONDARY SCHOOLS
MINIMUM SETBACKS (FT)				
Front Yard		Perimeter Setback		
Building	25	25	25	25
Parking	—	—	20	40
Corner Yard		Perimeter Setback		
Building	20	25	25	25
Parking	—	—	20	40
Interior Side Yard		Perimeter Setback		
Building*	10	15	20	20
Parking	—	—	20	20
Rear Yard		Perimeter Setback		
Building	25	25	25	30
Parking	—	—	20	10
MAXIMUM % OF IMPERVIOUS SURFACE AREA	40	40 (of net area)	10	40
MAX. HEIGHT FEET	35	35	15	35
MIN. LOT AREA (ACRES)	12,100 SQ. FT. AVG OF ALL LOTS CREATED WITH A MINIMUM LOT SIZE OF NO LESS THAN 6,000 SQ. FT.	THE NET DENSITY OF THE PROJECT SITE (CLUSTERED) DEVELOPMENT AND REQUIRED OPEN SPACE) MAY BE NO GREATER THAN 3.6 UNITS PER ACRE		1/2 ACRE
MINIMUM LOT FRONTAGE (FEET)	15	15	15	—



SUMMARY

Property Owners:	Property Location:	TLCPD Recommendation:
Frank Willis	1609 Centerville Road	Approve
Applicant:		
Frank Willis		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Julie Christesen	<u>Future Land Use:</u> Residential Preservation <u>Zoning:</u> Residential Preservation-1 & 2	Approve
Contact Information:	Proposed Future Land Use & Zoning:	
Julie.Christesen@talgov.com (850) 891-6433	<u>Future Land Use:</u> Suburban <u>Zoning:</u> Office Residential-2	
Date: December 20, 2016	Updated: February 21, 2017	

A. REASON FOR REQUESTED CHANGE

Frank Willis, the owner and manager of Old Willis Dairy, received a Voluntary Compliance Notice from the City of Tallahassee Growth Management Department regarding the assembly use of the property located at 1609 Centerville Road (Old Willis Dairy) [Subject Site]. Per the notice, the corrections required are to either "cease use or go through a change of use and rezoning for this property commercially." In order to change the zoning on the property to a zoning district that allows assembly uses, an amendment to the Future Land Use Map in the Comprehensive Plan is required. This proposed amendment would change the Future Land Use Map and implementing zoning to allow assembly uses on the property.

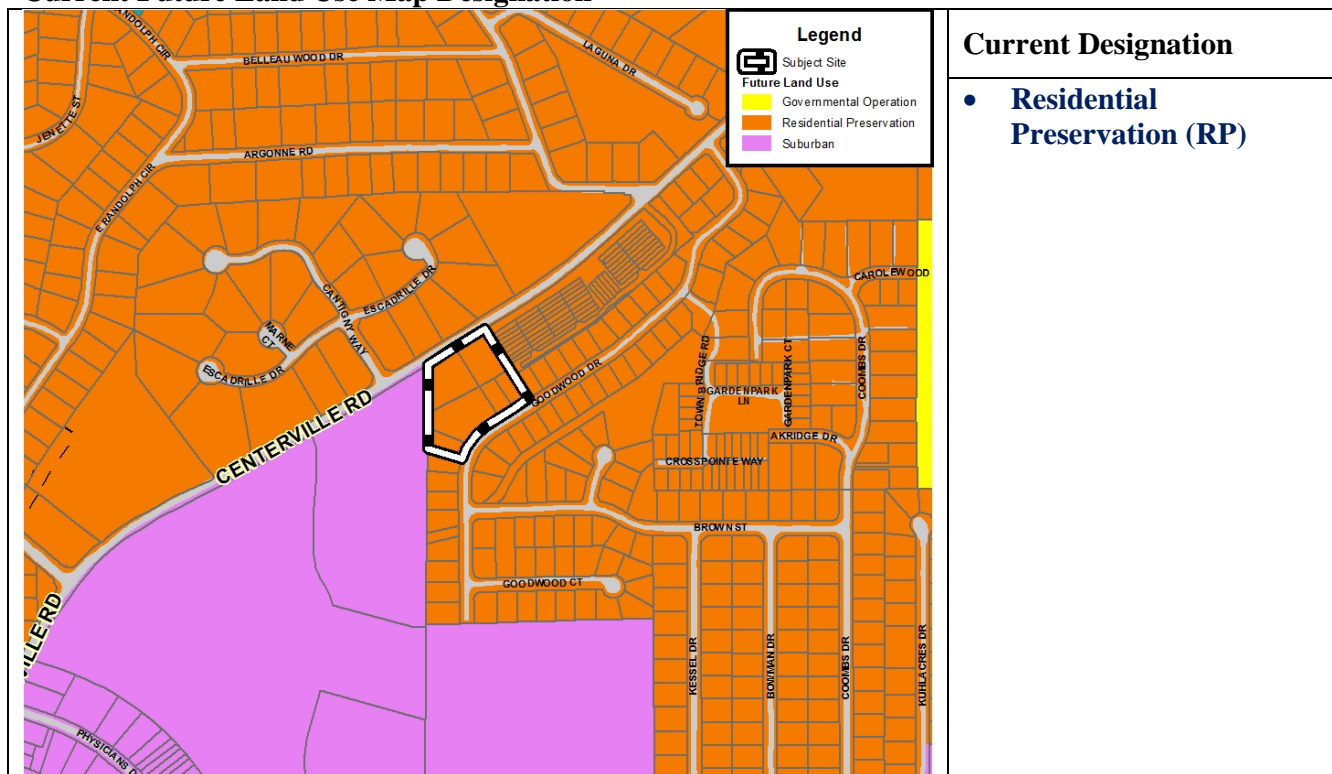
The property owner has indicated that he does not intend to develop the subject site at a higher density. He applied to have the Old Willis Dairy added to the Tallahassee-Leon County Register of Historic Places, and it is currently recommended for approval to the Architecture Review Board (ARB). A vote was taken at the February 1, 2017 ARB meeting to approve the addition of the Old Willis Dairy to the Tallahassee-Leon County Register of Historic Places. The Tallahassee-Leon County Planning Department has received a copy of the approved ARB packet. If approved by the City Commission, the subject site will be placed within a Historic Preservation Overlay (HPO). The HPO item is intended to go to the Planning Commission on June 6, 2017, and the City Commission on June 28, 2017, one month after the proposed land use map change hearing on May 23, 2017.

B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION

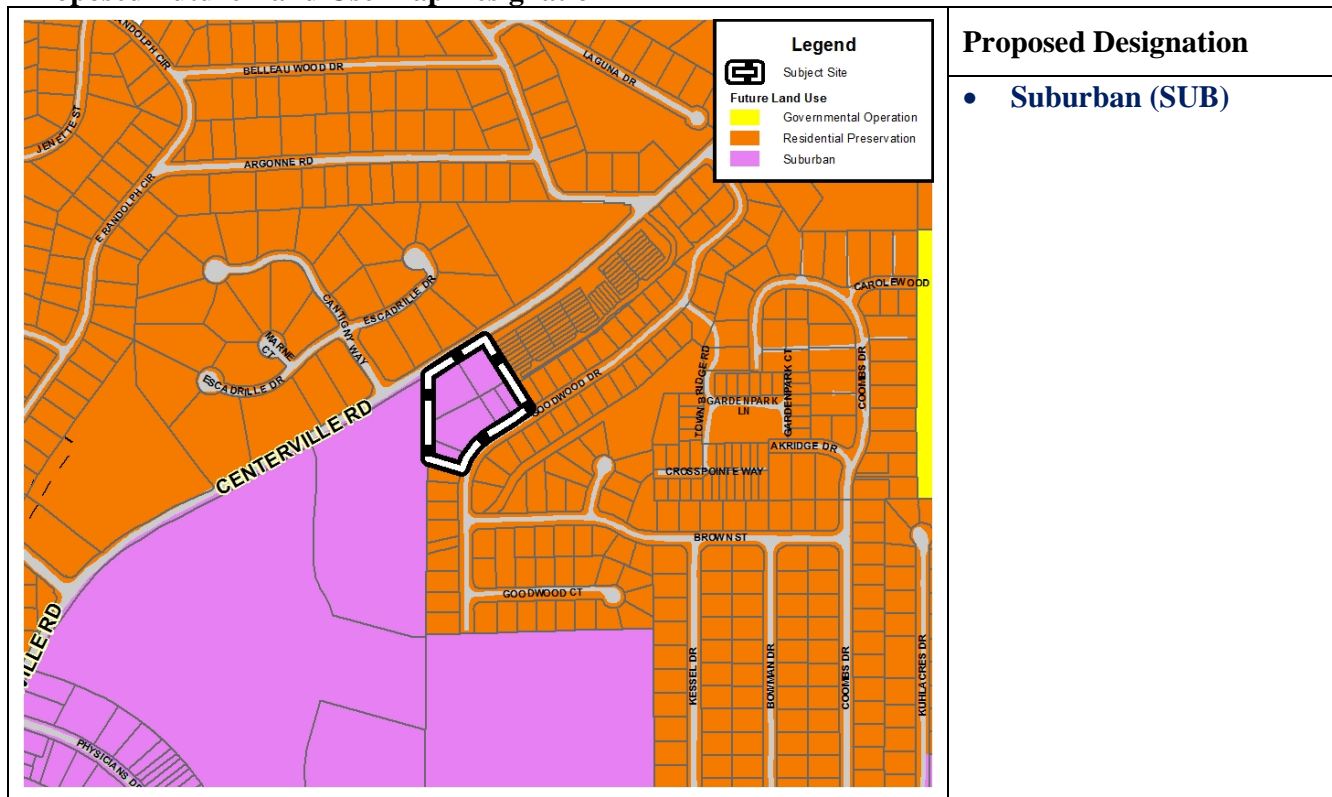
The subject site is currently designated Residential Preservation on the Future Land Use Map (FLUM). The proposed amendment would change the FLUM designation of the area to Suburban.

The following maps illustrate the current and proposed FLUM designations for the subject site.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



C. STAFF RECOMMENDATION

Find that the proposed future land use map amendment is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and ADOPT the proposed amendment.

Find that the proposed rezoning is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and APPROVE the proposed rezoning.

D. FINDINGS

Staff presents the following findings of fact:

1. The subject site is adjacent to property currently designated with the Suburban land use.
2. According to the Land Development Code Sec. 10-170, Residential Preservation Districts are "characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office and industrial activities are prohibited."
3. The OR-2 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." (*Section 10-252. OR-2 Office Residential District*).
4. The proposed amendment has no adverse impact on existing or planned infrastructure.

E. STAFF ANALYSIS

History and Background

On October 27, 2016, the Old Willis Dairy, located on Centerville Road, received a Voluntary Compliance Notice (included as Attachment 1) from the City of Tallahassee Growth Management Department because the property is being used as an events venue, but the current zoning of the property (Residential Preservation-1 and Residential Preservation-2) does not allow for assembly uses. Per the notice, the corrections required are to either "cease use or go through a change of use and rezoning for this property commercially." In order to proceed with a rezoning application for a zoning district that allows for assembly uses, an amendment to the Future Land Use Map in the Comprehensive Plan must be made because the underlying land use of the site does not allow for any zoning districts where assembly uses are permitted.

Current and Proposed Future Land Use Categories

The following text describes the current and proposed land use categories. Attachment #2 includes the full text of all relevant policies.

Residential Preservation (RP) (Current)

The RP designation is based on the following general criteria: existing land use within the area is predominantly residential; majority of traffic is local in nature; densities within the area generally of six units per acre or less; existing residential type and density exhibits relatively homogenous patterns; assessment of stability of the residential area, including but not limited to degree of home ownership and existence of neighborhood organizations.

Suburban (SUB) (Proposed)

The SUB designation 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.

Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category (in this case Office Residential-2 (OR-2)), and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category.

Consistency with Comprehensive Plan

The existing use of the subject site is not consistent with the current Future Land Use designation of the property, as Residential Preservation should be made up of single family, townhouse, and cluster housing with commercial (including office and industrial uses) prohibited. Currently, this space is primarily used as an old farm site renovated to serve as a venue for events, such as weddings, meetings, and banquets. The meadow, barn, and carriage house all serve as event space.

Policy 2.2.5: [L] implements the Suburban land use policy. The Suburban designation 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. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

As is the intention of the Suburban land use designation, the subject site is located with convenient access to low to medium density residential land uses. As a wedding venue and event space, the subject site offers opportunities for economic investment, supporting a variety of businesses associated with events and assemblies.

Because the subject site adjoins an area within the Residential Preservation future land use category, development in the subject site with shared property lines would be subject to the provision of a transitional development area (TDA) consistent with Policy 2.2.3 (5)(a)[L]. According to the policy, “Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval.”

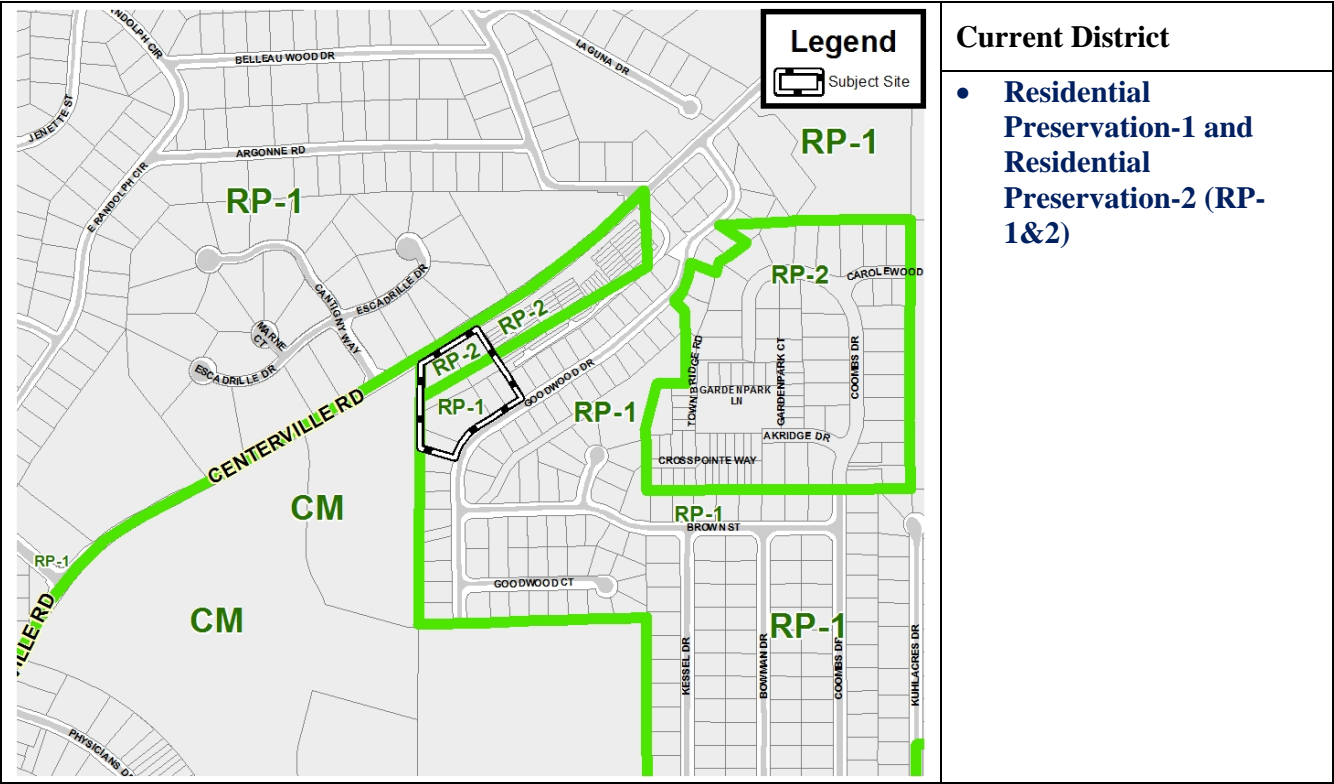
Zoning

The subject site is currently in the Residential Preservation 1 & 2 (RP-1 & RP-2) zoning district, but is functioning as Office Residential-2 (OR-2), as the current use is as an event space. According to Sec. 10.252(2)(19) of the City of Tallahassee Land Development Code, “social, fraternal and recreational clubs and lodges, including assembly halls” are included as principal uses under OR-2.

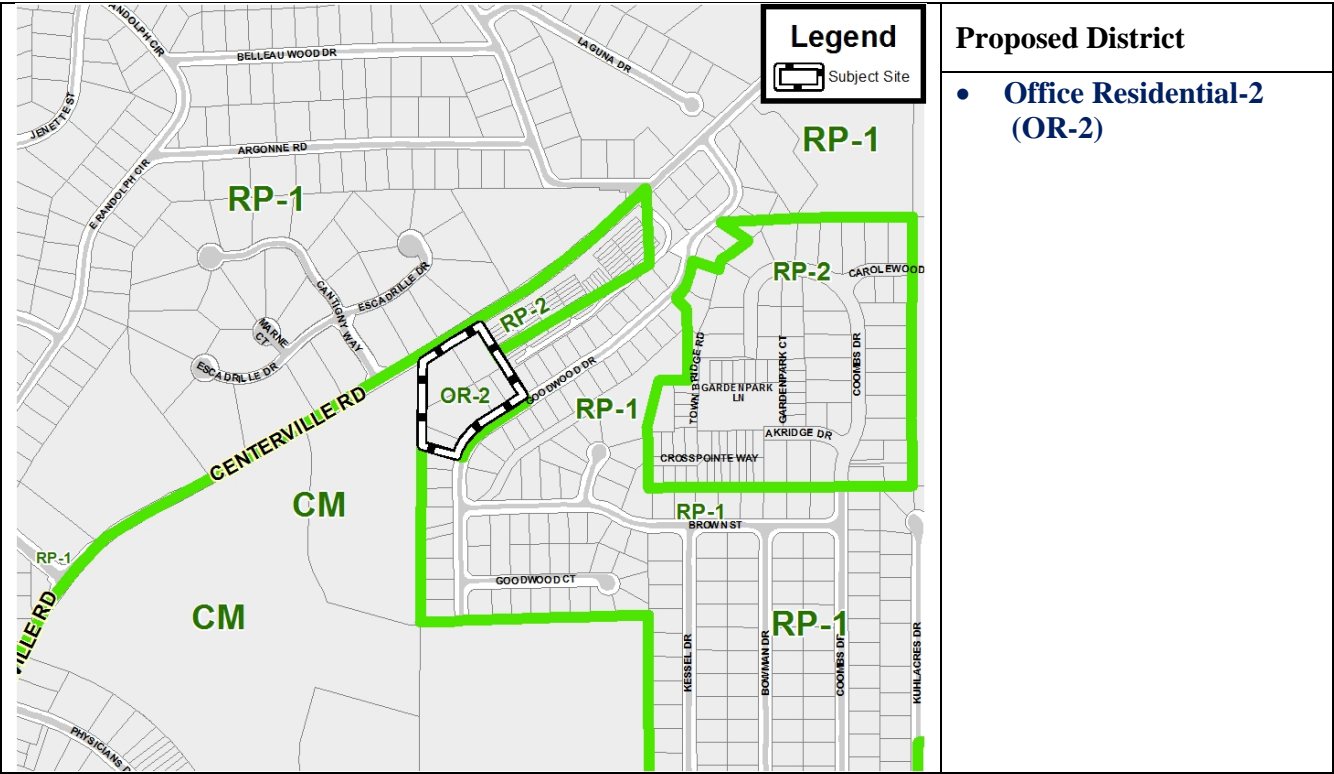
Consistent with the proposed FLUM amendment, a concurrent rezoning is proposed to change the zoning of the subject site from Residential Preservation-1 & Residential Preservation-2 to Office Residential-2.

The following maps illustrate the current and proposed zoning for the subject site.

Current Zoning



Proposed Zoning

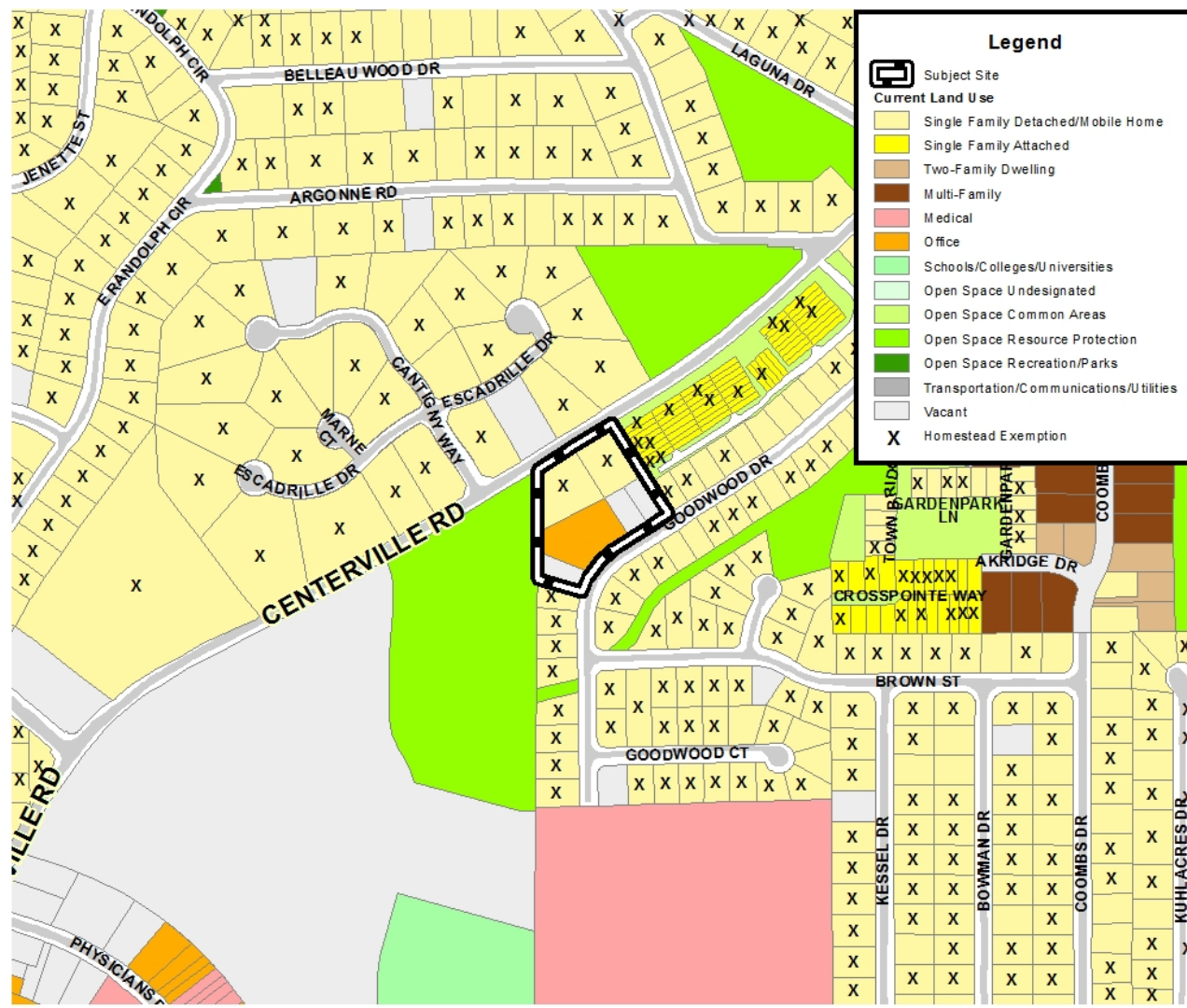


A vote was taken at the February 1, 2017 ARB meeting to approve the addition of the Old Willis Dairy to the Tallahassee-Leon County Register of Historic Places. The Tallahassee-Leon County Planning Department has received a copy of the approved ARB packet. If approved by the City Commission, the subject site will be placed within a Historic Preservation Overlay (HPO). The HPO item is intended to go to the Planning Commission on June 6, 2017, and the City Commission on June 28, 2017, one month after the proposed land use map change hearing on May 23, 2017. If approved by the City Commission, the resulting zoning would become Office Residential-2 District with Historic Preservation Overlay (OR-2 with HPO).

Existing Land Uses

The existing land use on the subject site is a mixture of office and residential uses. The subject site is adjacent to a variety of residential densities with open space, medical uses, and utilities located in the general area.

Existing Land Use Map



Residential Preservation Analysis

The following analysis evaluates whether the subject site is consistent with the characteristics of the Residential Preservation land use category. Generally, the subject site does not exhibit the characteristics of Residential Preservation included in Policy 2.2.3.

A) Existing land use within the area is predominantly residential.

Analysis: Existing land use within the subject site is a mix of office, residential and event space. The main house functions as a residence, but the rest of the property is used for events and event-supporting activities. Adjacent to the subject site, on the northern side, the entire neighborhood is residential; but, adjacent to the west of the property is Suburban land use, making up of part of the Tallahassee Memorial Healthcare Campus.

B) Majority of traffic is local in nature.

i) Predominance of residential uses front on local streets.

Analysis: The subject site fronts Centerville Road, which is a minor arterial with access to both medical and residential uses. Centerville Road is the primary access for the subject site. The subject site has a back access on Goodwood Drive, which is a local road.

ii) Relatively safe internal mobility

Analysis: Upon entering the site, internal circulation on the subject is private property to move between the main house and the event venue buildings.

C) Densities within the area generally are six (6) units per acre or less.

Analysis: The subject site is adjacent to properties designated with the Suburban Future Land Use that serve as part of the Tallahassee Memorial Healthcare Campus. While non-residential in use, the Suburban Future Land Use allows for up to 20 dwelling units per acre. Also adjacent to the subject site are the Centerville Townhomes. The residential density of the Centerville Townhome development is approximately 10.0 units per acre. The subject site is adjacent to the Betton Oaks neighborhood, which is 6 units per acre or less. The subject site is separated from the Pilckem Ridge neighborhood, which is six units per acre or less, by Centerville Road.

D) Existing residential type and density exhibits relatively homogeneous patterns.

Analysis: The subject site contains a house that serves as a residential home. The remaining buildings on the subject site are non-residential.

E) Assessment of stability of the residential area, including but not limited to:

i) Degree of home ownership.

Analysis: The subject site consists of multiple properties under the ownership of a single entity.

ii) Existence of neighborhood organizations.

Analysis: The subject site is not part of a neighborhood organization.

Infrastructure Analysis

Water/Sewer

The subject site is currently served by City of Tallahassee potable water and sewer services. Adequate potable water and sewer capacity exists to accommodate development of the site under the proposed land use and zoning

Schools

The subject site is zoned for Kate Sullivan Elementary School, Cobb Middle School, and Leon High School. Based on school impacts calculated by the Leon County School Board, capacity at both Kate Sullivan and Cobb is available. However, there is no available capacity at Leon High School. As the purpose of this application is to address an existing non-conformity, and not to result in addition residential development, the capacity should not be affected. The present capacity at Kate Sullivan Elementary School is 49 students and the post-development capacity would be 43 students. The present capacity at Cobb Middle School is 62 and the post-development capacity would be 60 students. The present capacity at Leon High School is 0 students and the post-development capacity would be -2 students. Coordination with Leon County Schools is necessary if the subject site is developed at a higher residential density than what currently exists.

Roadway Network

The primary entrance and access for the subject site is Centerville Road. Centerville Road is classified as a minor arterial. The subject side has a small gated back entrance on Goodwood Drive, which is a local road. The subject site is located outside of the Multimodal Transportation District (MTD) and any future development may be subject to transportation concurrency. Transportation concurrency will be addressed at site plan submission, if additional development is proposed for this site.

Pedestrian and Bicycle Network

Sidewalks exist along Centerville Road. There are no sidewalks on Goodwood Drive. There are no bicycle facilities along Centerville Road near this site, or on Goodwood Drive.

Transit Network

The subject site is not directly served by transit. However, the Gulf and San Luis bus routes have stops in the general vicinity of the site. The closest bus stop is approximately ½ mile away from the subject site.

Environmental Analysis

The subject site is currently developed, and is located in the Lake Lafayette Basin. Centerville Road is a designated Canopy Road. A portion of the subject site is in the Canopy Road Protection Zone. The proposed amendment would not result in any development or alterations that would impact the Canopy Road Protection; but, any potential future development would need to account for this. There are no significant environmental features on the subject site.

F. PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to 214 property owners within 1,000 feet of subject site.

Public Outreach		Date	Details
X	Mail Notification of Proposed Changes	12/21/2016	Notices Mailed to Property Owners within 1000 feet
X	Notice of Proposed Land Use Change and Rezoning	01/04/2017	Two signs providing details of proposed land use and zoning changes posted on subject site
X	Staff Reports Available Online	01/13/2017	Email Subscription Notice sent to all users of service
X	Public Open House	1/23/2017	5:30 PM, City Hall, 300 South Adams Street

Public Open House – January 23, 2017: 110 citizens attended the open house to discuss the 2017 Cycle amendments. Of the 110 attendees, six (6) (including two owners) were present to discuss this amendment.

Public Comment Summary: Three citizens have voiced opposition to the land use and zoning change to this property, citing noise and parking issues, and increased traffic concerns. One citizen submitted a petition with signatures from members of the neighborhood.

G. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2016 Meetings		Dates	Time and Locations
X	Local Planning Agency Workshop	January 19, 2017	9:00 AM, Second Floor, Frenchtown Renaissance Center
X	Local Planning Agency Public Hearing	February 7, 2017	6:00 PM, City Hall 300 South Adams Street
	Joint City-County Commission Workshop	March 7, 2017	1:30 PM, City Hall 300 South Adams Street
	Joint City-County Transmittal Public Hearing	April 4, 2017	6:00 PM, City Hall 300 South Adams Street
	Joint City-County Adoption Public Hearing	May 23, 2017	6:00 PM, City Hall 300 South Adams Street

Local Planning Agency Public Hearing - February 7, 2017: The Local Planning Agency recommended approval of this proposed amendment with a 5-1 vote.

H. ATTACHMENTS

- Attachment #1: Voluntary Compliance Notice from the City of Tallahassee Growth Management Department
- Attachment #2: Complete Text of Comprehensive Plan Policies:
1. Policy 2.2.3 [L] Residential Preservation
 2. Policy 2.2.5 [L] Suburban
- Attachment #3: Land Development Code sections for the Residential Preservation-1 & Residential Preservation-2 (RP-1 & 2) (Section 10-170) and Office Residential-2 (OR-2) (Section 10-252) zoning districts

VOLUNTARY COMPLIANCE NOTICE

The City of Tallahassee has the duty to assure, to the best of its ability that applicable codes and ordinances are in compliance. It is the responsibility of the Growth Management Department to accomplish this task.

It appears that a permit(s) may be required and further discussion with our Staff is recommended to prevent a Stop Work Order or a Notice of Violation from being issued. The Growth Management Department may take action resulting in double permit fees and/or fines.

Violation(s) observed or identified:

COT, LDC, Chapter 10, Section 10-31 Violations. Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by these regulations and by state law: (4) To erect, construct, Reconstruct, alter, maintain or contravention of any zoning, Subdivision or general regulation of this chapter or any

Correction(s) required:

Amendment thereto.

Cease use or go through a change of use and rezoning for using this property commercially.

To make the permitting process easier, please contact our Building Plans Examiners for Procedures and Application Information at 850-891-7001 (option 2) or our Zoning Department for Procedures at 850-891-7001 (option 4).

Location of violation: 1609 Centerville Rd

Date: 10/27/2016

Inspector: Anthony Maccarone

Case Number: TGC 160366

Days given for corrective action: 10

10 27 2016

Policy 2.2.3: [L]

RESIDENTIAL PRESERVATION (EFF. 7/16/90; REV. EFF. 7/26/06; REV. EFF. 4/10/09)

Characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function 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, including office as well as any 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.

For Residential Preservation areas outside the Urban Service area the density of the residential preservation area shall be consistent with the underlying land use category.

The Residential Preservation category shall be based on the following general criteria. For inclusion, a residential area should meet most, but not necessarily all of these criteria.

- 1) Existing land use within the area is predominantly residential
- 2) Majority of traffic is local in nature
 - a) Predominance of residential uses front on local street
 - b) Relatively safe internal pedestrian mobility
- 3) Densities within the area generally of six units per acre or less
- 4) Existing residential type and density exhibits relatively homogeneous patterns
- 5) Assessment of stability of the residential area, including but not limited to:
 - a) Degree of home ownership
 - b) Existence of neighborhood organizations

In order to preserve existing stable and viable residential neighborhoods within the Residential Preservation land use category, development and redevelopment activities in and adjoining Residential Preservation areas shall be guided by the following principles:

- a) The creation of transitional development area (TDA) for low density residential developments.

Higher density residential developments proposed for areas adjoining an established neighborhood within the residential preservation land use category shall provide a transitional development area along the shared property line in the higher density residential development. The development density in the transitional development area shall be the maximum density allowed in the Residential Preservation land use category. Development within the transitional development area shall be designed, sized and scaled to be compatible with the adjoining residential preservation area.

Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval. The factors cited in paragraph (e) below shall be considered when determining the size of transitional development areas. The land development regulations shall specify development thresholds for the implementation of transitional development areas.

b) Limitation on future commercial intensities adjoining low density residential preservation neighborhoods.

New or redeveloped commercial uses adjoining residential preservation designated areas shall mitigate potential impacts by providing a transitional development area between the commercial uses and residential preservation uses and only those commercial activities which are compatible with low density residential development in terms of size and appearance shall be allowed. The factors cited in paragraph (e) below shall be used when determining the compatibility, design techniques and the size of transitional development areas. The design and layout of adjoining commercial uses shall be oriented to place the section of the development with the least potential negative impacts next to the residential preservation area.

c) Limitations on existing light industry adjoining residential preservation neighborhoods.

New, expanding or redeveloped light industrial uses adjoining low density residential areas within the residential preservation land use category shall mitigate potential negative impacts by providing a transitional development area between the light industrial uses and the low and medium density residential uses. The factors cited in paragraph (e) below shall be considered when determining compatibility, design techniques and the size of the transitional development area.

The design and layout of adjoining light industrial uses shall be oriented to place the section of the development with the least potential negative impacts in the area next to the existing and/or future low density residential area in the residential preservation land use category. New light industrial land uses shall not be designated next to a residential preservation area.

d) Additional development requirements for allowed community facilities when adjoining low density residential areas, except for cemeteries or religious facilities to be used solely for religious functions. Such development requirements will also apply to ancillary facilities when proposed in conjunction with religious facilities, and are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the community facilities and the adjoining residential preservation area.

e) Land use compatibility with low density residential preservation neighborhoods

A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor. These factors shall also be used to determine the size of transitional development areas. f) Limitations on Planned Unit Developments in the Residential Preservation land use category.

Planned Unit Developments proposed within the interior of a Residential Preservation designated recorded or unrecorded subdivisions shall be generally consistent with the density of the existing residential development in the recorded or unrecorded subdivision. Parcels abutting arterial roadways and/or major collectors may be permitted to achieve six dwelling units per acre.

The existing predominant development density patterns in Residential Preservation are listed in paragraph (g) below. Within 18 months of adoption, the PUD regulations shall be amended to include provisions addressing the preservation of established residential preservation designated areas. Said provisions shall address any proposed increase in density and the factors cited in paragraph (e) above.

g) Limitations on resubdivision of lots within established Residential Preservation designated areas.

To protect established single family neighborhoods from density intrusions, consistency within the recorded or unrecorded subdivision shall be the primary factor in granting approval for development applications. Consistency for the purposes of this paragraph shall mean that parcels proposed for residential development shall develop consistent with the lot size and density of the recorded or unrecorded subdivision.

1. Guidance on the resubdivision of lots in recorded and unrecorded single family subdivisions shall be provided in the Land Development Code.

2. Parcels proposed for residential development shall develop at densities generally consistent with the density of existing residential development in the recorded or unrecorded subdivision with the exception of parcels abutting arterial and/or major collector roadways which may be permitted up to six dwelling units per acre.

There may be two distinct density patterns in the Residential Preservation land use category as shown below:

This section shall not be construed as to restrict the development of building types allowed by the applicable zoning district.

Policy 2.2.5: [L]

SUBURBAN (EFF. 3/14/07)

To create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.

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

Development shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

Suburban Intensity Guidelines (EFF. 3/14/07; REV. EFF. 7/14/14)

Table 4: Suburban Intensity Guidelines

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Low Density Residential	Residential, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ ACRE ⁽⁴⁾	10,000 SQ FT/ACRE	65-80%
Low Density Residential Office	Residential, Office, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ ACRE ⁽⁴⁾	10,000 SQ FT/ACRE ⁽⁵⁾	
Medium Density Residential	Residential, Recreation, Light Infrastructure & Community Service	8 to 16 UNITS/ ACRE	20,000 SQ FT/ACRE	65-80%
Medium Density Residential Office	Residential, Office, Ancillary 1 st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post-Secondary Schools	8 to 20 UNITS/ ACRE	20,000 SQ FT/ACRE ⁽⁶⁾	

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Village Center	Residential, Office, Commercial up to 50,000 SQ FT, maximum business size. Centers shall not be located closer than ¼ mile to another village center or commercial development including more than 20,000 SQ FT of floor area.	8 to 16 UNITS/ ACRE	12,500 SQ FT/ACRE per parcel for center 20 acres or less ⁽⁷⁾	35-50%
Urban Pedestrian Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 16 UNITS/ ACRE ⁽³⁾	Up to 20,000 SQ FT/ACRE ⁽³⁾	
Suburban Corridor	Residential, Office, Commercial, Recreation, Light & Heavy Infrastructure & Community Service	Up to 16 UNITS/ ACRE	Up to 25,000 SQ FT/ACRE ⁽⁸⁾	
Medical Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 20 UNITS/ ACRE ⁽¹⁾	80,000 SQ FT/ACRE ⁽²⁾	5-10%
Business Park	Office, Residential and Commercial	Up to 16 UNITS/ ACRE	20,000 SQ FT/ ACRE	
Light Industrial	Office, Commercial up to 10,000 SQ FT per business, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service & Post-Secondary Schools and ancillary residential	1 UNIT/ DEVELOPMENT	20,000 SQ FT/ ACRE ⁽⁹⁾	

Notes: (1) 8 units/acre minimum for exclusively residential; (2) Hospitals up 176,000 sq ft/acre; (3) 20 units/acre and 40,000 sq ft/acre for multiple use development; Combined residential and non-residential development may have up to 40,000 SF and up to a six story building. Residential use, office use and commercial use is allowed. (4) Low Density Residential and Residential Office development patterns can have a minimum of 1 unit per acre if water and sewer are not available. (5) The maximum square footage is increased to 12,500 SF if the project is a mixed use development. (6) The maximum square footage increases to 40,000 SF per acre and maximum height increases to six stories if 50% of parking is structured. This provision only applies to areas previously designated as Mixed Use C (7) 250,000 SF of total development permitted on 20 to 30 acre centers. (8) Storage areas may be 50,000 SF per acre. Office and Retail is allowed. (9) Storage areas may be 50,000 SF per acre.

While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium density residential, office, retail and light industrial development. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

Tallahassee Land Development Code

Sec. 10-170. Residential Preservation District

- (a) *Purpose and Intent.*
 - (1) The district is characterized by existing homogeneous residential areas within the community which are predominantly accessible predominantly by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office and industrial activities are prohibited (Certain non-residential activities may be permitted as home occupations--See article VII of this chapter, Supplementary Regulations). Single-family, duplex residences, mobile home and cluster housing may be permitted within a range of zero (0) to six (6) units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density. No development in the residential preservation district shall be permitted which violates the provisions of Policy 2.1.1 of the Future Land Use Element of the 2010 Comprehensive Plan.
 - (2) For Residential Preservation areas outside the Urban Service Area the density of the non-vested development in residential preservation area shall be consistent with the underlying land use category: no more than one (1) unit per ten (10) acres in the Rural category; no more than one (1) dwelling unit per acre (clustered) or one (1) dwelling unit per three (3) acres (not clustered) in the Urban Fringe category. The Residential Preservation land use category is divided into five (5) zoning districts based upon existing development patterns and service provision:
 - a. RP-1;
 - b. RP-2;
 - c. RP-MH;
 - d. RP-UF; and
 - e. RPR.
 - (3) The intent of the districts listed in subsections (2) a. through e. of this section are as follows:
 - a. The RP-1 District is intended to apply to residential development in areas designated "Residential Preservation" on the Future Land Use Map, preserving single-family residential character, protecting from incompatible land uses, and prohibiting densities in excess of three and six-tenths (3.6) dwelling units per acre.
 - b. The RP-2 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.

- c. The RP-MH 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 manufactured home, mobile home, and conventional single-family and duplex residential development, providing protection from incompatible land uses and intensities, and prohibiting densities in excess of six (6.0) dwelling units per acre.
 - d. The RP-UF District is intended to apply to residential development in areas designated as both "Urban Fringe" and "Residential Preservation" on the Future Land Use Map, preserving the low intensity residential character of conventional single-family residential and manufactured home, mobile home, development, protecting from incompatible land uses and intensities, preventing the premature development of land at intensities not supportable by existing infrastructure or services, and prohibiting densities in excess of three and six-tenths (3.6) dwelling units per acre in platted subdivisions, one (1.0) dwelling unit per acre (net) for clustered developments on unplatted lots, or one (1.0) unit per three (3) acres, for all other developments.
 - e. The RP-R District is intended to apply to residential development in areas designated as both "Rural" and "Residential Preservation" on the Future Land Use Map, preserving the very low density rural residential character of conventional single-family residential and manufactured home, mobile home, development, protecting from incompatible land uses and intensities, preventing inefficient development patterns, and prohibiting densities in excess of three and six-tenths (3.6) dwelling units per acre in platted subdivisions, or one (1.0) dwelling unit per ten (10) acres on unplatted lots.
- (4) Applications for rezoning to any and all of the residential preservation districts shall include review to ensure compatibility with existing and surrounding residential type and density.
- (b) *Allowable Uses.* For the purpose of this chapter, the following land use types are allowable in the RP-1, RP-2, RP-MH, RP-UF and RP-R zoning districts and are controlled by the Land Use Development Standards of this chapter, the Comprehensive Plan and Schedules of Permitted Uses.
- (1) Low Density Residential
 - (2) Passive Recreation
 - (3) Active Recreation
 - (4) Community Services
 - (5) Light Infrastructure
- (c) *List of Permitted Uses.* See Schedules of Permitted Uses, subsections 10-241(a) and (b). Some of the uses on these schedules are itemized according to the Standard Industrial

Code (SIC). Proposed activities and uses are indicated in the schedules. The activity or use may be classified as permitted, restricted or permitted through special exception, or not allowed. Restricted and Special Exception Uses must meet the criteria in article VII of this chapter. Chapter 9, article III of this Code sets forth the development approval process required for allowable uses.

- (d) *Development Standards.* All proposed development shall meet the Land Use Development Criteria specified in subsection 10-241(b); commercial site location standards (section 10-174); buffer zone standards (section 10-177); criteria of the Land Development Standards Schedule (article IV, division 4 of this chapter); and parking and loading requirements (article VI of this chapter).

SECTION 10-241 RESIDENTIAL PRESERVATION

ALLOWABLE USES: APPROPRIATE PERMIT LEVEL AND APPLICABLE DEVELOPMENT AND LOCATIONAL STANDARDS

P PERMITTED USE
S SPECIAL EXCEPTION
R RESTRICTED USE

SIC CODE	RESIDENTIAL PRESERVATION - 1 NAME OF USE	LAND USE TYPE				
		LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, One-Family	P				
	(Rooming Houses are prohibited)					
	SERVICES					
821	Elementary and secondary schools				S	
866	Religious Organizations				S	
	RECREATION					
	Hiking and Nature Trails		P			
	Picknicking		P			
	Canoe Trails		P			
	Bicycle Trails		P			
	Horseback Riding Trails		P			
	Tot Lots					
	Court Sports					
	Field Sports					
	PUBLIC ADMINISTRATION					
	Police Protection					
	Fire Protection					
	Public Order and Safety					

LEGEND

LR = LOW DENSITY RESIDENTIAL
PR = PASSIVE RECREATION
AR = ACTIVE RECREATION
CS = COMMUNITY SERVICES
LI = LIGHT INFRASTRUCTURE

DEVELOPMENT TYPE				
RESIDENTIAL PRESERVATION-1	SINGLE FAMILY RESIDENTIAL UNITS	SINGLE FAMILY RESIDENTIAL UNITS CLUSTERED	ACTIVE RECREATION	COMM. SERVICES; ACTIVE REC.; PUBLIC, PRIMARY & SECONDARY SCHOOLS
MINIMUM SETBACKS (FT)				
Front Yard		Perimeter Setback		
Building	25	25	25	25
Parking	—	—	20	40
Corner Yard		Perimeter Setback		
Building	20	25	25	25
Parking	—	—	20	40
Interior Side Yard		Perimeter Setback		
Building*	10	15	20	20
Parking	—	—	20	20
Rear Yard		Perimeter Setback		
Building	25	25	25	30
Parking	—	—	20	10
MAXIMUM % OF IMPERVIOUS SURFACE AREA	40	40 (of net area)	10	40
MAX. HEIGHT FEET	35	35	15	35
MIN. LOT AREA (ACRES)	12,100 SQ. FT. AVG OF ALL LOTS CREATED WITH A MINIMUM LOT SIZE OF NO LESS THAN 6,000 SQ. FT.	THE NET DENSITY OF THE PROJECT SITE (CLUSTERED) DEVELOPMENT AND REQUIRED OPEN SPACE) MAY BE NO GREATER THAN 3.6 UNITS PER ACRE		1/2 ACRE
MINIMUM LOT FRONTAGE (FEET)	15	15	15	—

Section 10-252. OR-2 Office Residential District.

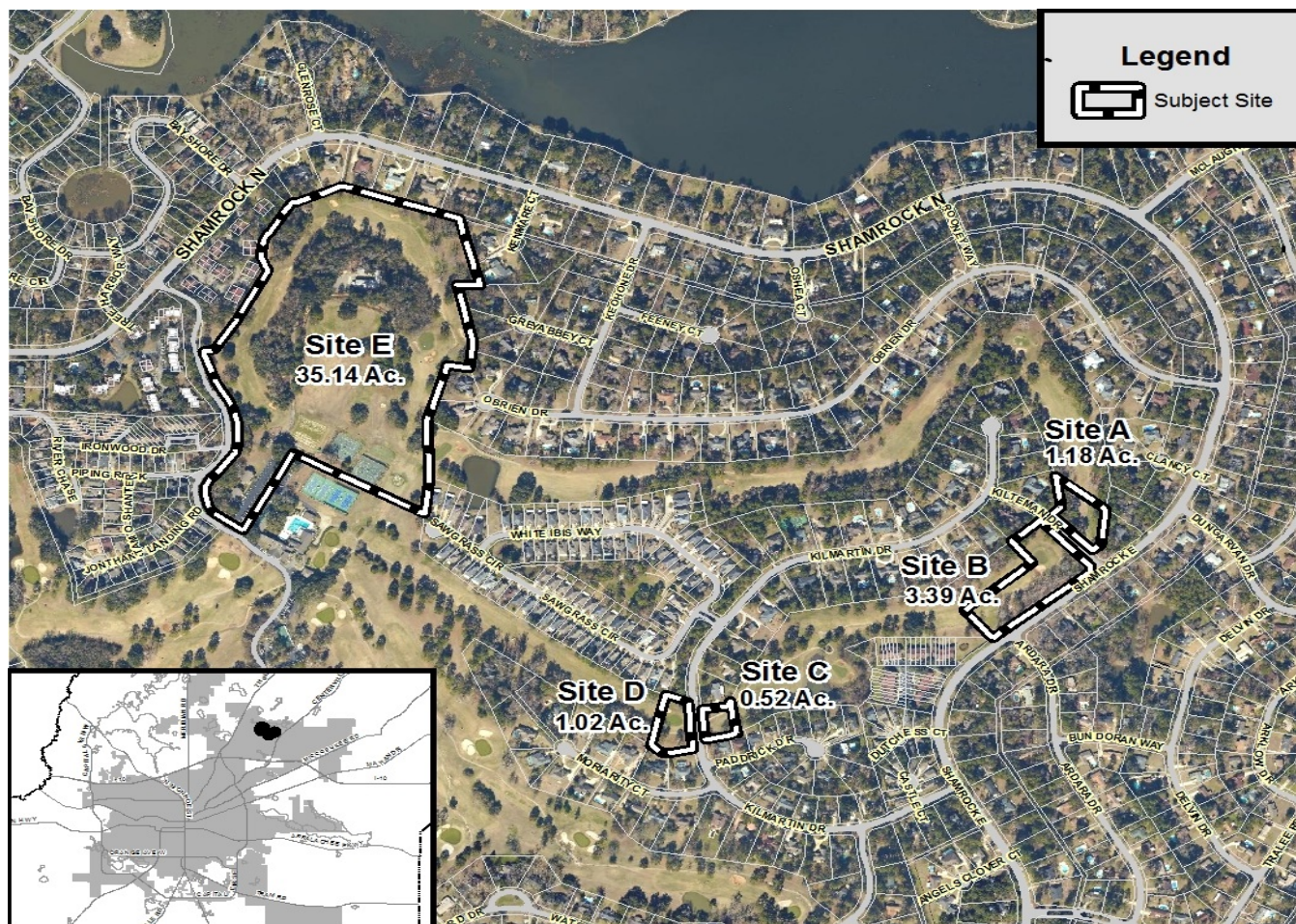
The following applies to the OR-2 Office Residential District:

1. District Intent	PERMITTED USES		
	2. Principal Uses		3. Accessory Uses
<p>The OR-2 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-2 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-2 district. The maximum gross density allowed for new residential development in the OR-2 district is 16 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.</p> <p>In order to implement the business park development pattern, a minimum of 10 acres is required with at least 3 types of uses which shall include office and commercial.</p> <p>Development standards for properties located within the MMTD are established within Division 4 of this Code.</p>	<p>(1) Banks and other financial institutions. (2) Broadcasting studios. (3) Community facilities related to office or residential facilities, including libraries, religious facilities, police/fire stations, and elementary, middle, and high schools. Vocational schools are prohibited. 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 and other residential care facilities. (11) Off-street parking facilities.</p>	<p>(12) Passive and active recreational facilities. (13) Personal services. (14) Retail drug store without drive thrus (only allowed in a business park development) (15) Retail food and grocery (only allowed in a business park development) (16) Rooming Houses. (17) Single-family attached dwellings. (18) Single-family detached dwellings. (19) Social, fraternal, and recreational clubs and lodges, including assembly halls. (20) Stand alone restaurants without drive thrus (only allowed in a business park development) (21) Studios for photography, music, art, dance, drama, and voice. (22) Two-family dwellings. (23) Veterinary services, including veterinary hospitals. (24) Zero-lot line single-family detached dwellings. (25) Any use permitted in the C-1 district (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.</p>	<p>(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Land Use Administrator. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</p>

DEVELOPMENT STANDARDS									
Use Category	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
	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 square feet; 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	25 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	25 feet	10 feet	20,000 square feet of gross building floor area per acre	3 stories
Commercial Uses (Only Allowed in Business Park Development)	12,000 square feet	60 feet	100 feet	15 feet	15 feet on each side	25 feet	10 feet	20,000 square feet of gross building floor area per acre; Individual buildings may not exceed 15,000 gross square feet	3 stories
7. Additional Criteria and Restrictions for Business Park Development: Commercial uses shall not exceed 25% of the total square feet of the development.									

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to chapter 4, concurrency management for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
4. For cluster development standards, refer to Section 10-426.



SUMMARY

Property Owners:	Property Location:	TLCPD Recommendation:
Barton N Tuck, Jr	Killearn Golf and Country Club (a portion of) located south of Shamrock Road North and east of Tyron Pass	Approve with expansion areas
Applicant:		
Barton N Tuck, Jr		
TLCPD Staff:	Current Future Land Use & Zoning:	LPA Recommendation:
Debra Thomas	<u>Future Land Use:</u> Recreation/Open Space <u>Zoning:</u> Residential Preservation- 1 and Residential Preservation-2	Deny
Contact Information:	Proposed Future Land Use & Zoning:	
Debra.thomas@talgov.com (850) 891-6418	<u>Future Land Use:</u> Urban Residential & Residential Preservation <u>Zoning:</u> Urban Residential (R-4)	
Date: January 9, 2017	Updated: February 23, 2017	

A. REASON FOR REQUESTED CHANGE

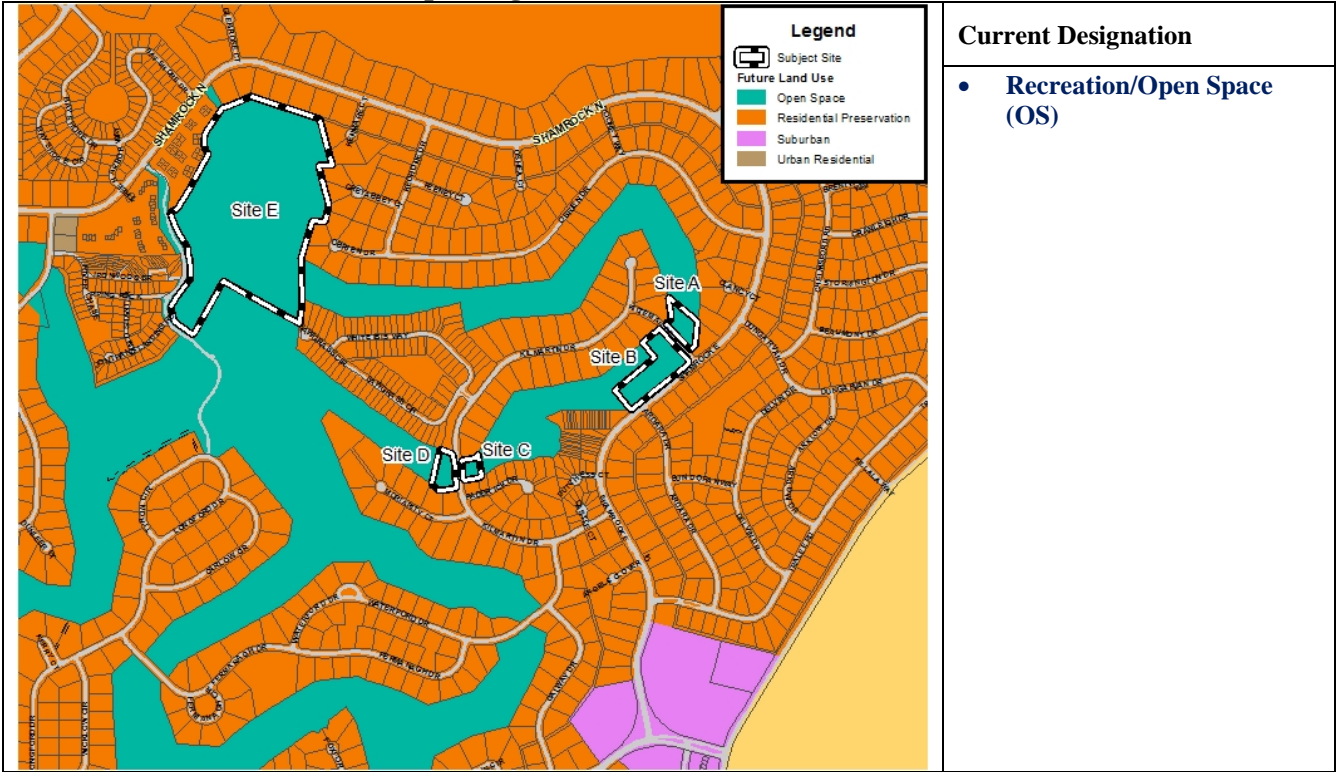
The applicant stated that he is seeking this amendment to help finance improvements to Killearn Golf and Country Club, which he owns. As a means to finance the improvements, the owner intends to sell a portion of the North Course to a residential developer. However, before the subject areas can be developed as residential uses, a Comprehensive Plan map amendment is needed to change the subject areas from Recreation/Open Space to a land use that will allow for residential development. The applicant's complete statement pertaining to why this request is being sought is provided in Attachment # 1.

B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION

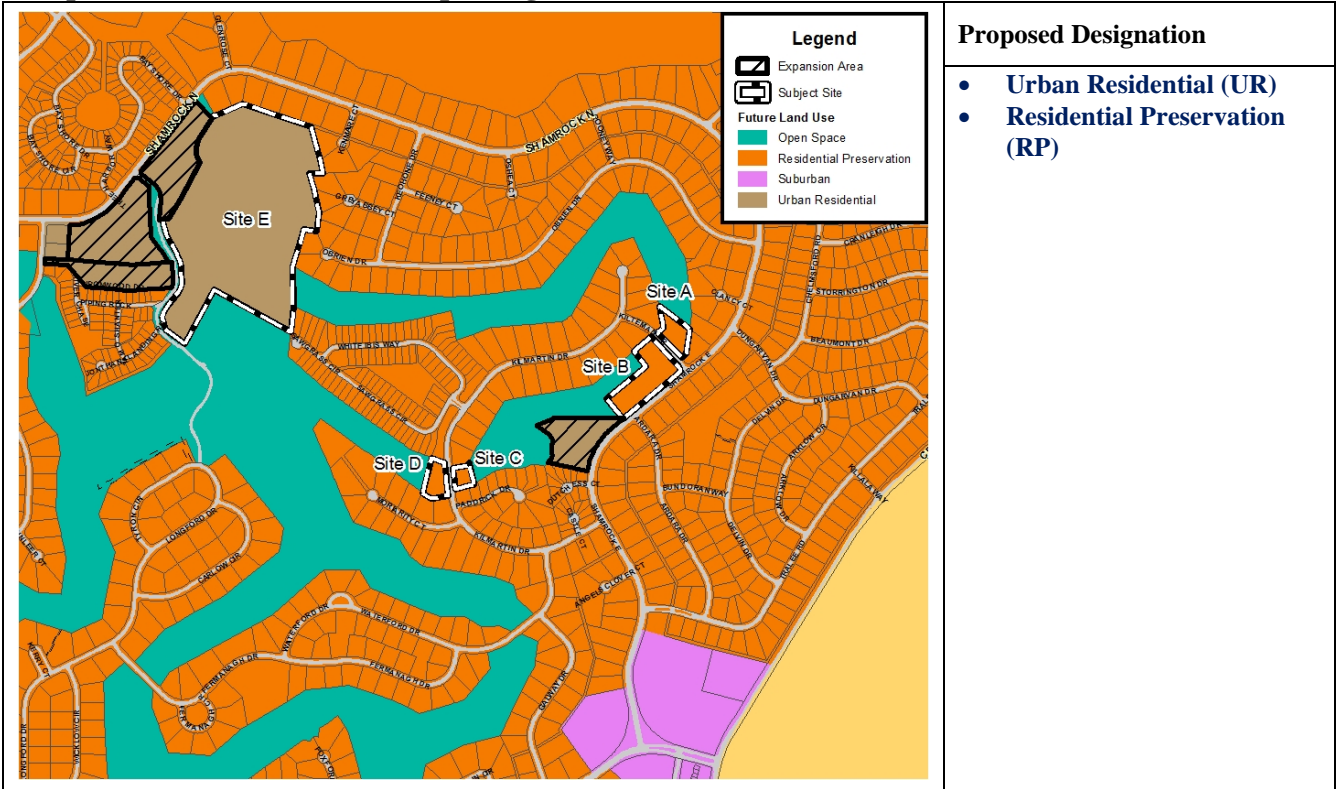
The subject areas total approximately 40.9 acres and are currently designated Recreation/Open Space on the Future Land Use Map (FLUM). The subject areas are part of the Killearn Golf and Country Club parcel, which is currently approximately 267 acres in total area. The proposed amendment would change the FLUM designation of the subject areas to Urban Residential (site E) and Residential Preservation (sites A, B, C, and D). The subject areas are located generally south of Shamrock Road North and are part of the Killearn Golf and Country Club.

The following maps illustrate the current and proposed FLUM designations for the subject areas.

Current Future Land Use Map Designation



Proposed Future Land Use Map Designation



C. STAFF RECOMMENDATION

Find that the proposed future land use maps amendment is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and ADOPT the proposed amendment.

Find that the proposed rezoning is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and APPROVE the proposed rezoning.

Based on an analysis of densities in the areas adjacent to the subject site, expand the proposed land use amendment and rezoning to include non-conforming areas (subdivisions exceeding allowable densities) adjacent to the subject site.

D. FINDINGS

Staff presents the following findings of fact:

1. The proposed amendment is consistent with Land Use Element Objective 1.1 providing for development in an orderly and compact manner so as to contain sprawl and to efficiently provide for urban infrastructure.
2. The proposed amendment furthers and supports Land Use Objective 2.1 and corresponding Policy 2.1.8 which calls for maintaining a viable mix of available residential densities to accommodate a variety of housing types and choices.
3. The proposed amendment furthers and supports Land Use Element Policy 1.1.7 which requires that higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure. The proposed amendment is in an area serviced by urban infrastructure.
4. The proposed Urban Residential and Residential Preservation FLUMs are consistent with the mix of land use patterns in the vicinity of the subject areas.
5. The proposed amendment furthers Mobility Element Objective 1.1 which promotes vibrant communities with compact forms and a mixture of uses to minimize travel distances, reduce vehicle miles traveled and greenhouse gases, and to enhance pedestrian and bicycle mobility and transit accessibility.
6. The Vision Statement for the Comprehensive Plan states, "Containing sprawl will necessarily increase density and intensity in the existing urban area."

E. STAFF ANALYSIS

History and Background

The subject areas are located in the Killearn Estates community. Established in the mid-1960s, Killearn was the first planned community in the City of Tallahassee and today contains several of the county's largest subdivisions, including Killearn Estates.

The Killearn Golf and Country Club was established as the signature amenity of Killearn Estates. The golf course was a 27-hole facility with three sets of nine holes comprised of the North, South, and East courses. The golf course and country club provided a 90 bed hotel, restaurant, banquet room, swimming pool, tennis courts and typical operation and maintenance buildings. In 1987, the golf and country club was sold to its current owner.

Built in 1969, the club has undergone a series of minor renovations to accommodate continued operations. Now, according to the applicant, the facilities are nearing their service life and are in need of major renovations. As a means to finance the improvements, the owner intends to sell a portion of the North Course, which was closed to play in March of 2016.

In order to close the North Course, the owner amended the Special Restricted Covenants that govern the Country Club and Golf course. The Special Restricted Covenants were due to expire in 2021. The amendments to the Covenants include maintaining golf for the Championship Golf Course (South and East Courses) until 2061 and allowing changes to the North Course and other club amenities. In addition, a special article was included in the recorded Amended Special Restrictive Covenants (Public Records BK 4900 PG 2305), which states that net sale proceeds from the sale of property must be re-invested into the Country Club.

See Attachment #2 for a copy of the Amended Special Restrictive Covenants for Killearn Golf and Country Club.

Since informing the Killearn community of his intentions to sell a portion of the golf course and country club to finance improvements to the remainder of the property, several legal challenges have been filed against the owner, including one which Killearn Homes Association, Inc. (KHA) was an Intervenor Plaintiff. In September 2016, a Mediated Non-Binding Partial Settlement Agreement was signed by KHA and the property owner. The agreement outlines general understanding and goals the parties will work together on in good faith to convert into final agreements via recorded covenants and/or written agreements. It also incorporates a general Concept Plan for the North Course area. See Attachment #3 for a copy of the signed Mediated Non-Binding Partial Settlement Agreement.

On December 15, 2016, Killearn Homes Association, Inc., legal representative filed a Notice of Voluntary Dismissal of its claims in the case. However, KHA did reserve the right if deliberations with the current owner are exhausted without resolution to rely on the court to determine the acceptable use of the land in light of the plats and promises made by the original developer. See Attachment #4 for copy of Notice of Voluntary Dismissal.

Lastly, there is still an unresolved legal challenge by residents pertaining to the closing of the North Course for redevelopment which is scheduled for a hearing in January of 2017.

While this history and background information is helpful for understanding the context of the proposed amendment, the purpose of this staff report is to evaluate the consistency of the proposed amendment with the Goals, Objectives, and Policies of the Tallahassee-Leon County Comprehensive Plan.

Current and Proposed Future Land Use Categories

Recreation/Open Space (Current)

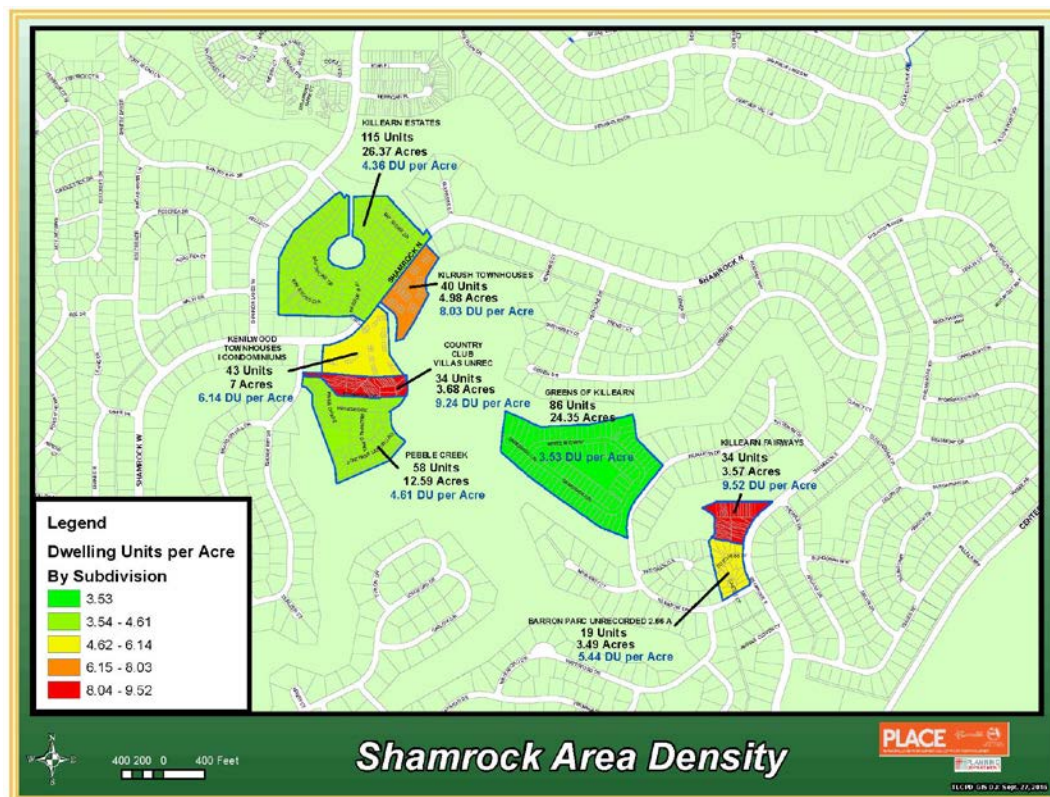
The subject site is currently designated Recreation/Open Space (OS) on the FLUM. Policy 2.2.14 of the Comprehensive Plan's Land Use Element outlines the intent and typical uses associated with the OS land use category. In general, the category allows for active or passive recreational facilities, golf courses, historic sites, forests, cemeteries, or wildlife management areas. The complete text of the Recreation/Open Space FLUM category is provided in Attachment #5.

The proposed amendment is intended to redevelop a portion of the subject areas from a recreational use to residential. Presently, residential development in the form of single-family detached and attached and multi-family is located in the vicinity of the subject areas.

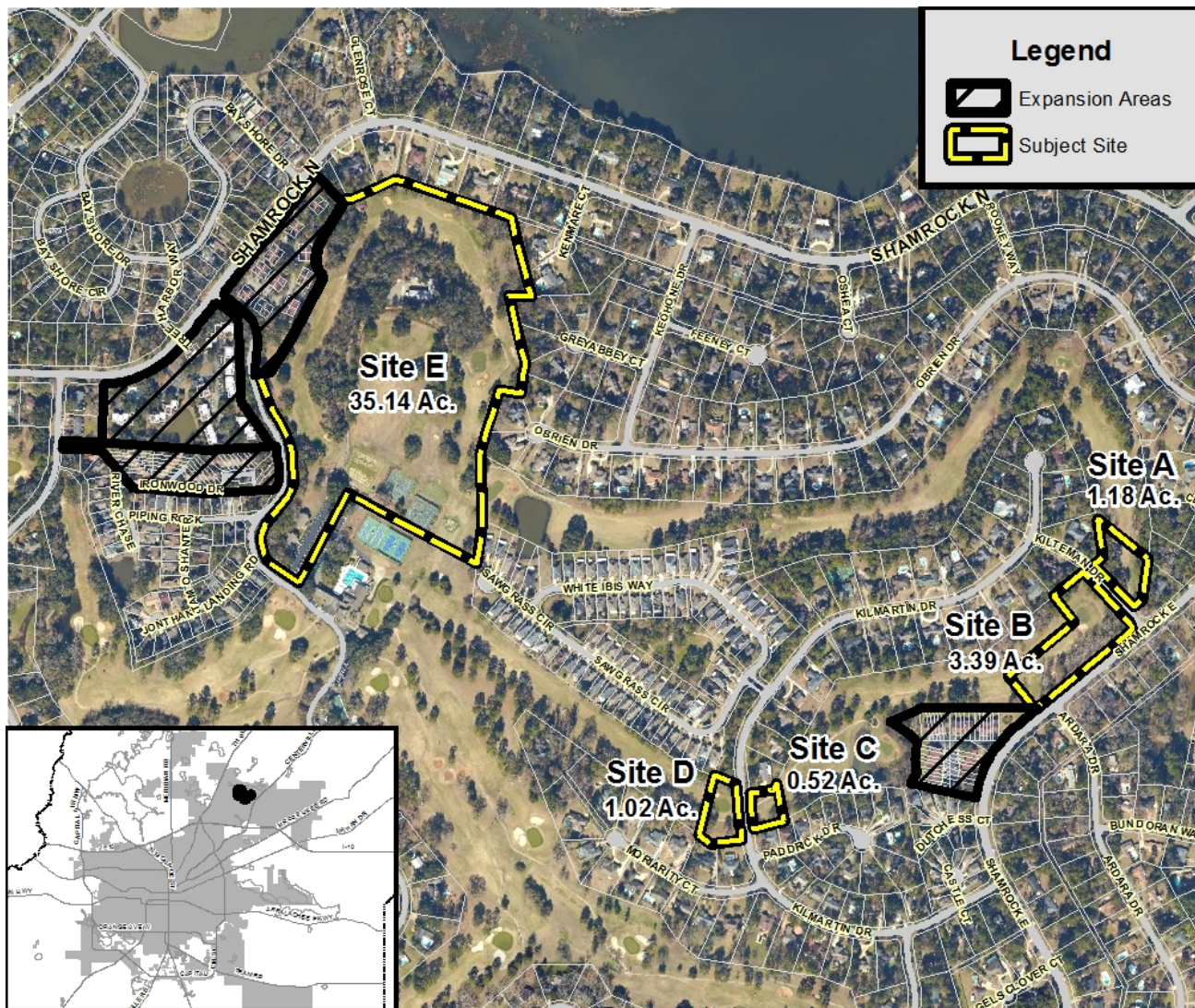
Urban Residential & Residential Preservation (Proposed)

Urban Residential

The proposed FLUM designations for the subject site are Urban Residential (UR) and Residential Preservation (RP). The Urban Residential land use category is being proposed for Site E of the amendment. Land Use Element Policy 2.2.23 outlines the intent of the Urban Residential land use category which allows townhouses, single-family attached and detached, two-family, and multiple-family dwelling units as well as community facilities related to residential uses. The primary intent of the category, which is to be applied only within the Urban Services Area, is to encourage medium density (4-10 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. As illustrated in the exhibit below, the proposed density is generally consistent with the current density in the vicinity of the subject area.



Consideration should be given to expanding the proposed land use amendment to include the residential development adjacent to the subject site that exceeds the density of Residential Preservation. The following map shows the potential expansion area to address nonconformities.



According to Policy 2.2.23 [L], the UR category is not intended to be applied with the interior of an existing neighborhood. Staff has concluded that the subject area, though internal to the larger Killearn community, is on the edge of the surrounding neighborhoods in the immediate area. It is important to note that the original plan for Killearn Estates anticipated a broad mixture of residential housing. In fact, the Killearn HOA website states “Killearn Estate’s original design included distinctive neighborhoods under its umbrella that would appeal to a variety of homeowners such as first-time home buyers, empty-nesters, retirees or single folks not looking for large homes or yards to maintain but wanting the quality of life Killearn has to offer” (Killearn Homes Association website). This original planned design is reflected in the historic zoning map, which includes a variety of zoning districts with various densities within the Killearn Estates neighborhood. This is further illustrated with the subject areas in how the areas have developed. Currently, adjacent to

Site E there are six residential enclaves (Kilrush Townhomes, Kenilwood Townhomes & Condos, Country Club Villas, and Pebble Creek on the west side, Kimberton Unit 1&2 to the east, and the Greens of Killearn to the south). Each developed at varying densities. Kilrush Townhomes has a current density of 8 units per acre, Kenilwood 6.1 units per acre, Country Club Villas 9.2 units per acre and Pebble Creek 4.6 units per acre. Kimberton Unit 1 and 2 densities are 1.06 units per acre and the Greens of Killearn has a density of 3.5 units per acre.

Residential Preservation

For sites A, B, C and D on the map, the Residential Preservation land use category is being proposed. Land Use Policy 2.2.3 outlines the intent of this land use category which is to protect and preserve existing stable and viable residential areas from incompatible land use intensities and density intrusions. Under this category, future development will consist primarily of infill due to the built out nature of the areas. Under the category, single family, townhouse and cluster housing may be permitted within a range up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval. The areas immediately adjacent to these subject areas are designated with either a Residential Preservation FLUM category or Recreation/Open Space. The development patterns in the area consist of low density mixed residential and recreation.

Because some of the subject areas adjoin areas within the Residential Preservation future land use category, development in the subject areas with shared property lines would be subject to the provision of a transitional development area (TDA) consistent with Policy 2.2.3 Land Use Element [L] (5)(a). Specifically, the new policies require a transitional development area (TDA) between RP areas and adjoining areas of proposed higher density residential and/or non-residential developments. According to the policy "Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval."

Conservation Easement

The applicant has stated in the amendment application that he would include holes 1 thru 6 of the North Course in a conservation easement with the exception of the creation of the nine (9) residential lots he is proposing for the proposed Residential Preservation portion of the request (sites A, B, C, and D). The application states that these lots would be single family detached residential units consistent with the existing adjacent single family lots. The application states that the proposed lots would be located on existing city streets and where the North Course crosses the existing right of way. The lots would include a 15' wide access easement which would allow for the contiguous use of the conservation easement. It must be noted, that these provisions are not enforceable through the proposed Comprehensive Plan Amendment.

The complete text of the Urban Residential and Residential Preservation FLUMS are provided in Attachment #6.

Consistency with Comprehensive Plan

Policy 1.4.5 of the Land Use Element identifies a number of criteria against which future land use map and zoning changes must be evaluated. Such changes must be evaluated for consistency with the adopted goals, objective and policies of the Comprehensive Plan as well as consistency with and the furtherance of the intent of the requested future land use category.

The Vision Statement of the Comprehensive Plan states that we are to systematically plan for growth, development and redevelopment in order to preserve, protect and enhance the quality of life for all citizens. Overall, it is the intent of the Comprehensive Plan to concentrate future development inside the Urban Service Area (USA) which preserves natural resources and promotes fiscal responsibility. One of the objectives of the Comprehensive Plan is for the community to develop in an orderly and compact manner so as to reduce sprawl and to efficiently provide for urban infrastructure. The Vision Statement for the Comprehensive Plan includes: “The residential environment is also one of many criteria which form the community’s perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods. Citizens identify with and value their neighborhoods in all parts of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. Unwise land use decisions and premature nonresidential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of non-residential uses.” The proposed land use amendment is consistent with the statements “Containing sprawl will necessarily increase density and intensity in the existing urban area,” and “Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages.” Because the proposed land use amendments are residential and are adjacent to areas of similar residential density, the proposed amendment is also consistent with the statements, “Unwise land use decisions and premature nonresidential development in established residential areas can seriously and permanently alter the character of a neighborhood” and “The residential environment is also one of many criteria which form the community’s perceived quality of life and must be protected.”

Called an Urban Services Strategy, the proposed amendment is consistent with the following policies and objectives that further this goal.

Objective 1.1 Land Use Element [L] directs development to those areas that have the services capacity to accommodate growth.

Policy 1.1.1 Land Use Element [L] provides that new development be concentrated in the urban service area in order to discourage sprawl.

Policy 1.1.7 Land Use Element [L] requires that higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater

treatment capacity; compatible existing land use and readily available sewer and water infrastructure.

Objective 2.1 Land Use Element [L] and corresponding Policy 2.1.8 Land Use Element [L] seek to maintain a viable mix of available residential densities to accommodate a variety of housing types and choices.

Policy 2.2.23 Land Use Element [L] which provides for the Urban Residential future land use category encourages medium density (4-10 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure.

Objective 1.1 Mobility Element [M] promotes vibrant communities with compact forms and a mixture of uses to minimize travel distances, reduce vehicle miles traveled and greenhouse gases, and to enhance pedestrian and bicycle mobility and transit accessibility.

Lastly, the proposed amendment is in a well-established residential community. The Comprehensive Plan recognizes the value of existing residential neighborhoods and seeks to protect them from incompatible uses that could adversely impact their viability. While the Plan seeks to maintain the integrity of existing neighborhoods, it also encourages mixed use development that introduces a wider range of housing types and densities. Coalescence of these goals can be accomplished through good design. To this end, the proposed Urban Residential category requires that implementing zoning districts contain design standards intended to achieve the category goals and ensure compatibility with existing residential development.

The complete text of the above goals, objectives and policies is included as Attachment #7.

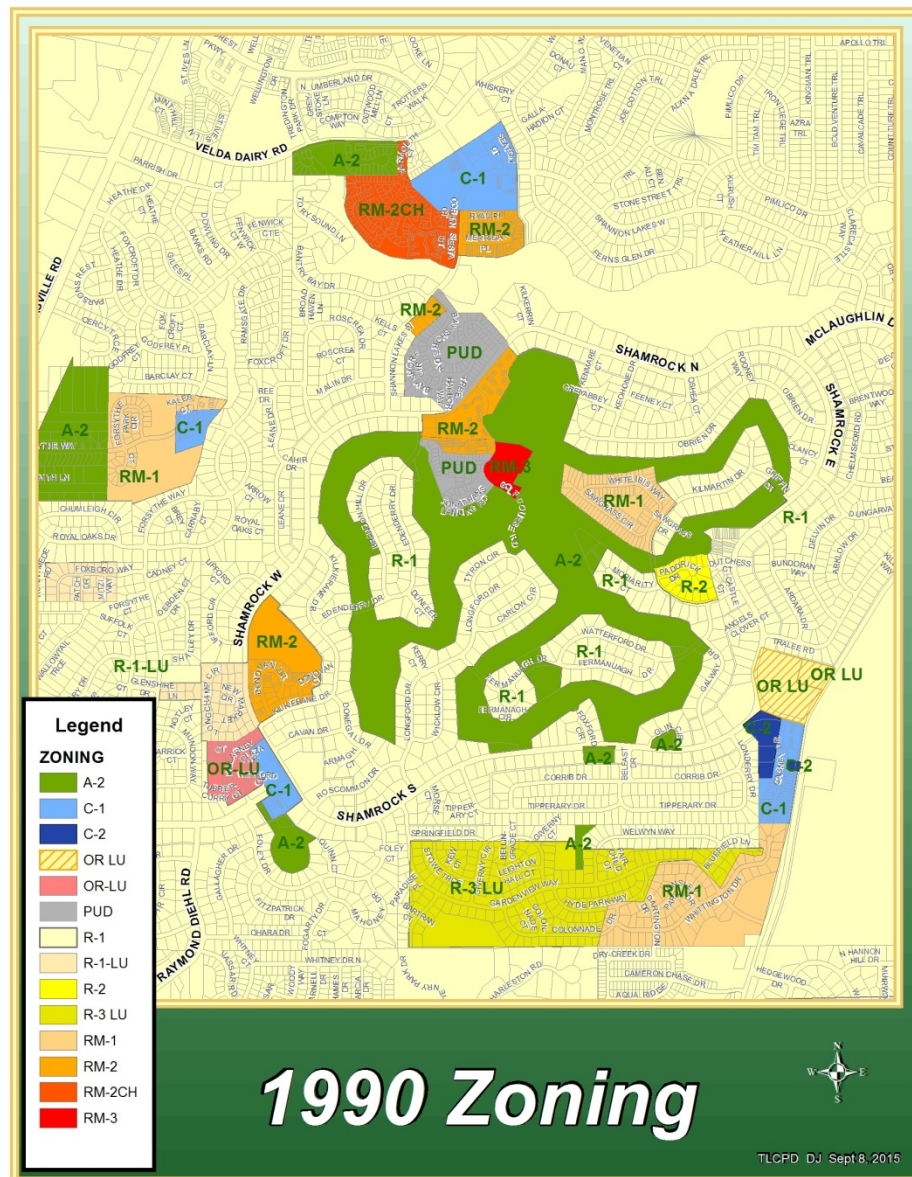
Zoning

A zoning request is being processed concurrent with this map amendment. A zoning change from Residential Preservation-1 (RP-1) and Residential Preservation-2 (RP-2) to Urban Residential R-4 has been requested to implement the proposed amendment to the Future Land Use Map for Site E. Site E of the subject site consists of approximately 35 acres. The applicant proposes for development to occur on 30 of the acres to fund the improvements to Killearn Country Club on the remaining 5± acres. The proposed rezoning would allow a range of 120-300 dwelling units on the 30-acre portion of the subject site. The proposed zoning also allows for golf courses.

The current RP-1 and RP-2 zoning districts allows low density residential in the form of single-family, two-unit townhouse, and duplex residential development up to a maximum density 3.6 dwelling units per acre in RP-1, and 6 dwelling units per acre in RP-2. The current designation of the subject site as RP-1 and RP-2 is inconsistent with the current Recreation/Open Space FLUM designation of the site. The RP-1 and RP-2 zoning are intended to apply only to areas designated "Residential Preservation" on the Future Land Use Map. The proposed rezoning is consistent with the proposed FLUM designation of Site E.

The proposed Urban Residential (R-4) zoning district is intended to provide for a range of housing types including single-family, two-family, and multi-family. The maximum gross density allowed for new residential development in the R-4 district is 10 dwelling units per acre.

It should be noted that prior to 1990 County Comprehensive Plan Adoption and subsequent rezoning in 1992, the area surrounding Site E to the west and north were zoned for multi-family (RM-1, RM-2 and RM-3) and PUD development which allowed residential development up to 43.6 units per acre (See Attachment 8 for Chart of Dwelling Units allowed under the Zoning Districts). While the proposed future land use category and zoning district would allow for multi-family dwellings, the number of units would be limited to 10 units per acre, a net increase of 4 more dwellings than what is currently allowed under RP-2, but still substantially less than the densities in the original plan for surrounding areas.

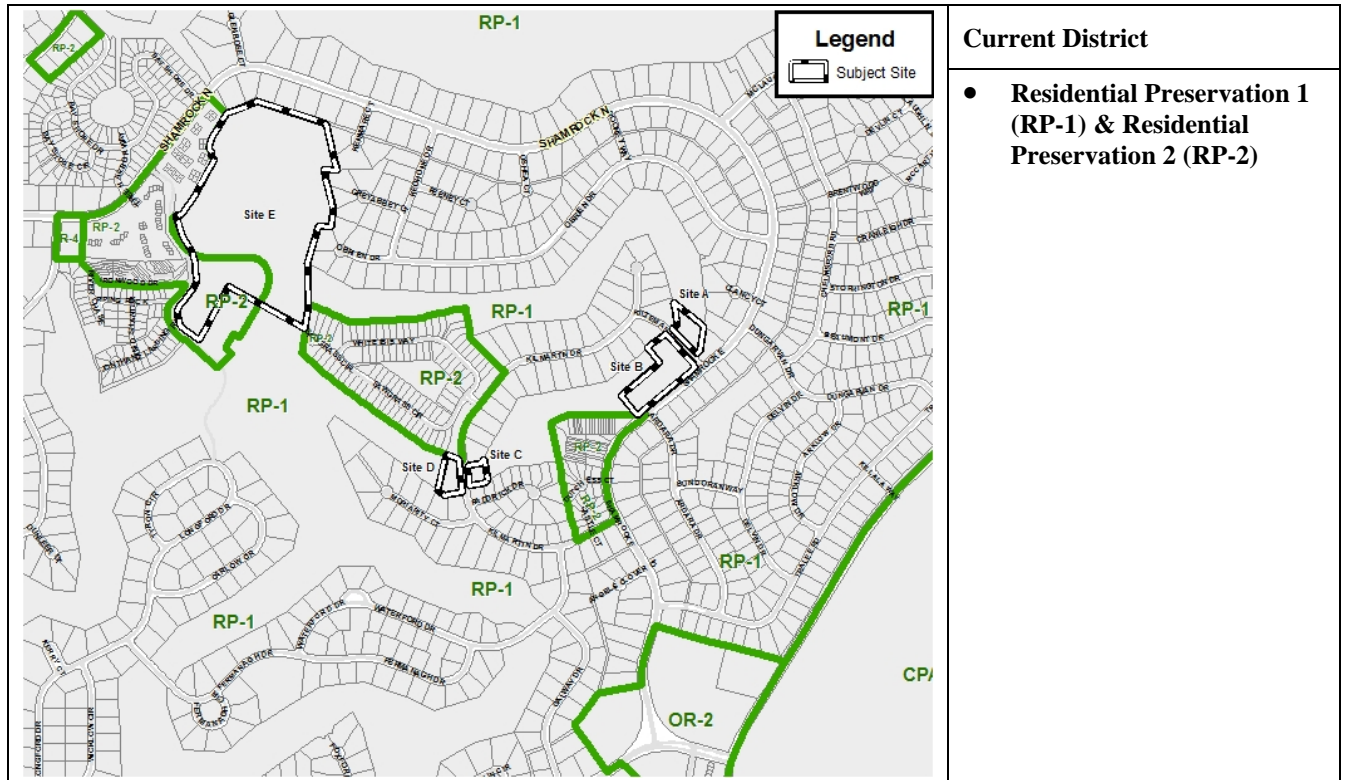


Consideration should be given to expanding the proposed land use amendment and rezoning to include the residential development adjacent to the subject site that exceeds the density of Residential Preservation and the RP-1 and RP-2 Districts (non-conforming uses).

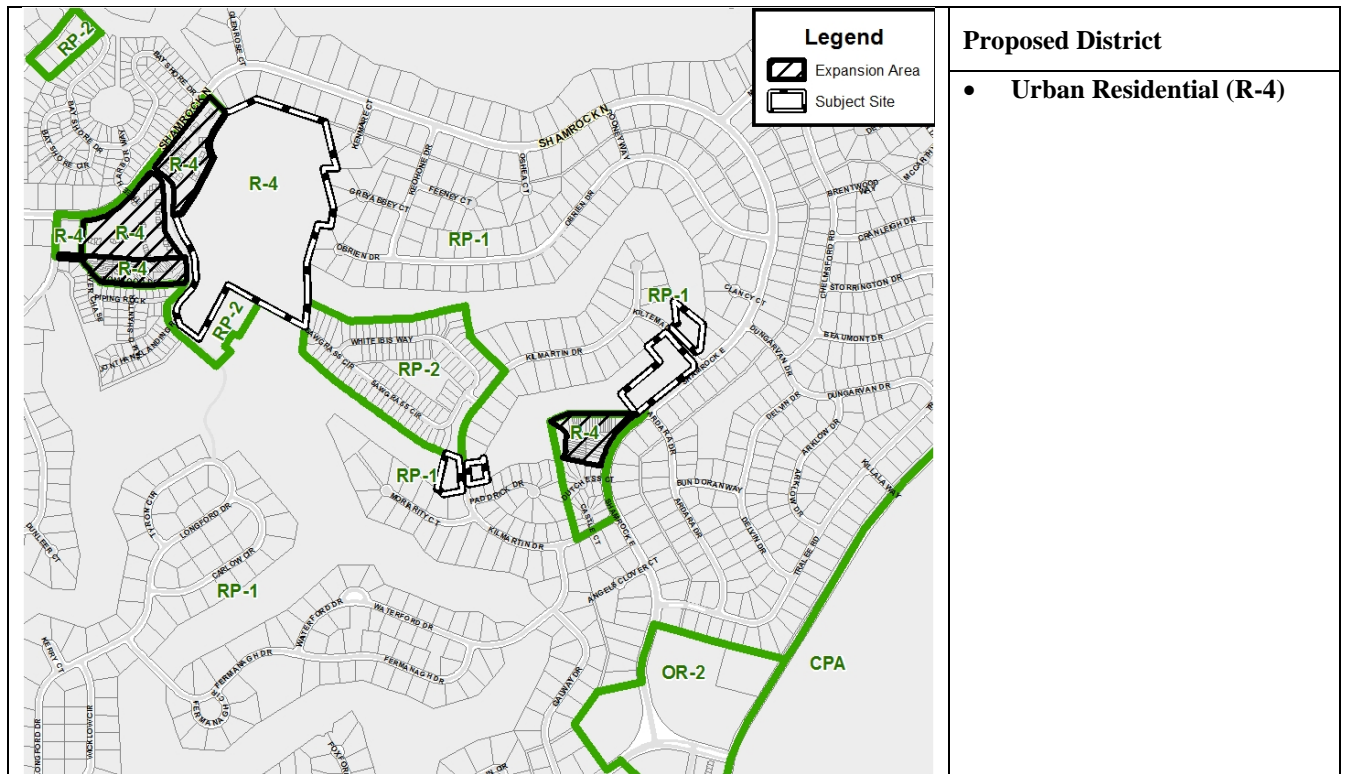
The Land Development Code sections for Residential Preservation-1 and Residential Preservation-2 (Sec. 10-241) and Urban Residential R-4 (Sec. 10-247) zoning is included as Attachment #9.

The following maps illustrate the current and proposed zoning for the subject site and surrounding area.

Current Zoning



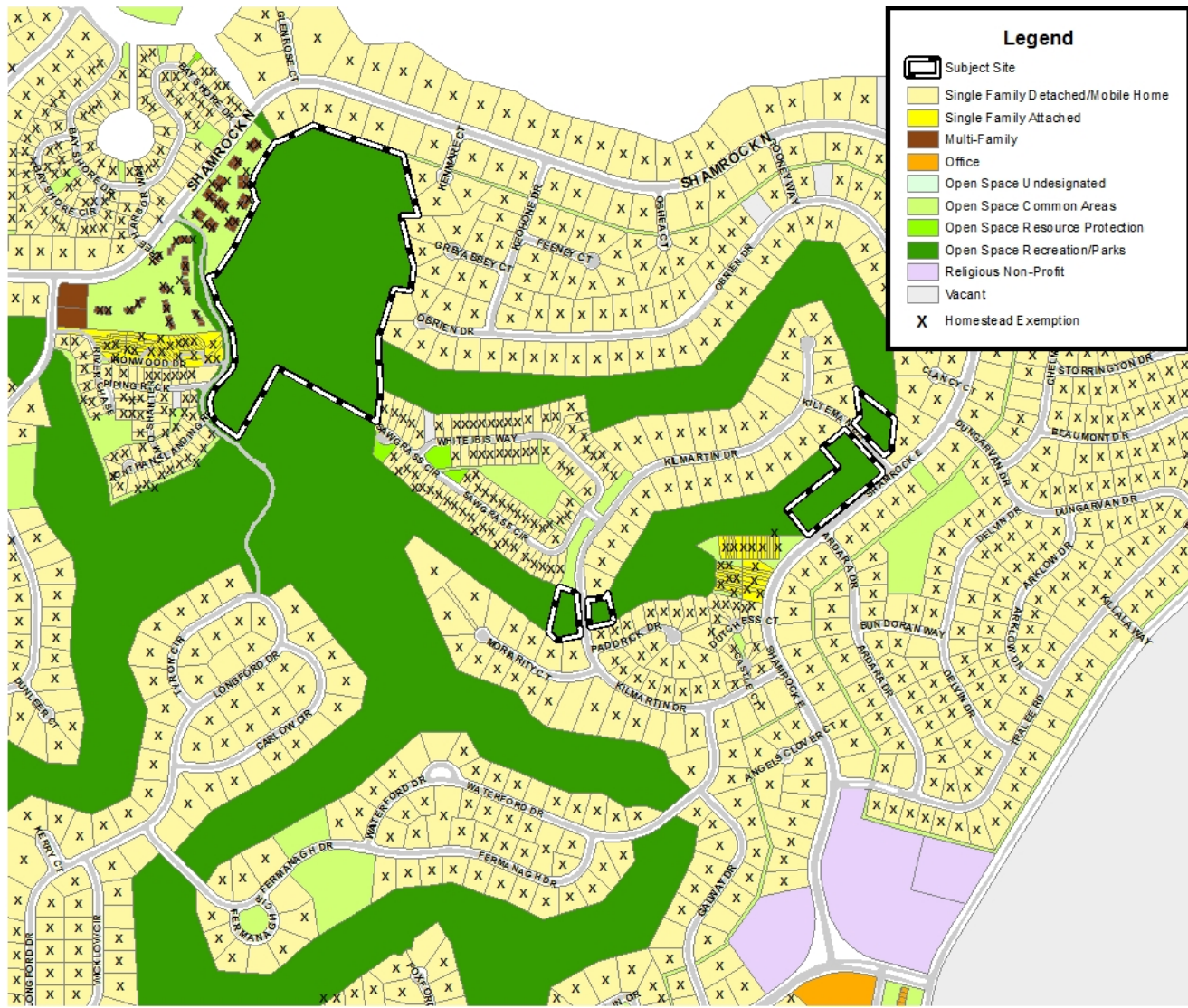
Proposed Zoning



Existing Land Uses

The subject area is currently developed as a golf course and country club. The existing land uses surrounding the subject area includes single-family homes to the north, east and south and multi-family and single-family attached and detached homes to the west.

Existing Land Use Map



Infrastructure Analysis

Water/Sewer

City of Tallahassee potable water and sewer services are available to the subject areas. Adequate potable water and sewer capacity exists to accommodate development of the site under the proposed land use and zoning.

Schools

The subject areas are zoned for Roberts Elementary School, Montford Middle School, and Lincoln High School. School concurrency impact forms were submitted to the Leon County School Board's Division of Facilities, Construction and Maintenance and approved by the School Board on November 22, 2016.

School Name	Roberts Elementary	Montford Middle	Lincoln High
Present Capacity	319	0	0
Post Development Capacity	250	-30	-33

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. If school capacity deficiencies are determined at the time of site plan, coordination with Leon County Schools will be necessary to mitigate these impacts.

Roadway Network

The subject areas are accessed from Shamrock Street (West, North and East), which is a Minor Collector. Site E would be accessed by Tyron Pass, a private road that provides access to the country club. Future redevelopment of Site E could require a public roadway dedication to the site. Sites A, B, C, and would be accessed by other local roads, including Kiltaman Drive, Kilmartin Drive. Shamrock Street North and Shamrock Street East provide access to Shamrock Street South and Killarney Way, which are both major collectors. Shamrock Street West provides access to Shamrock Street South and to Centerville Road, which is a Minor Arterial.

At the time of site plan, concurrency requirements will be determined for the project to fund needed facilities as redevelopment occurs on the subject area.

Pedestrian and Bicycle Network

A segment of Shamrock Road in the vicinity of the subject areas has a sidewalk on the north side. The local streets in the areas do not have sidewalks. No bicycle facilities are available, but Shamrock North and East are part of the East Town and the Killearn to Downtown designated bicycle routes.

Transit Network

Star Metro does not service the internal neighborhoods of Killearn including the subject areas. The closest transit service is the Killearn Route that goes along Thomasville Road from downtown

ending at Kerry Forest Parkway with a stop on the east side of Thomasville Road just north of the Killearn Estates entrance.

Environmental Analysis

The subject areas are within the Lake Lafayette drainage basin. The County available environmental information currently indicates no protected or significant environmental features onsite.

Stormwater: At the Open House held on November 17, 2016, increase stormwater was a concern of residents near the subject areas. The current City Land Development Code provides regulations pertaining to stormwater. Redevelopment on the subject areas will be required to meet these standards. In addition, any future development on the subject areas will be required to meet the stormwater post development rule which requires that new development stormwater must be less than or equal to that of pre-construction. Thus, any redevelopment on the subject areas would be required to accommodate any additional stormwater.

F. PUBLIC OUTREACH AND NOTIFICATION

Public notices were sent to approximately 1,387 property owners within approximately 1,000 feet of subject site.

Public Outreach		Date	Details
X	Mail Notification of Proposed Changes	November 4, 2016	Notices Mailed to Property Owners within 1000 feet
X	Notice of Proposed Land Use Change and Rezoning	January 6, 2017	Two signs providing details of proposed land use and zoning changes posted on subject site
X	First Public Open House	November 17, 2016	5:30 PM, Second Floor, Frenchtown Renaissance Center
X	Staff Reports Available Online	January 17, 2017	Email Subscription Notice sent to all users of service
X	Second Public Open House	January 23, 2017	5:30 PM, Second Floor, City Commission Chamber, City Hall

First Public Open House – November 17, 2016: 124 citizens attended the first open house to discuss the 2017 Cycle amendments. Of the 124 attendees, 52 joined a breakout group to specifically discuss the Killearn Golf and Country Club amendment. The major concerns of those who spoke on this amendment were land use compatibility, stormwater impacts, and traffic. The majority were in opposition of the proposed amendment.

Second Public Open House – January 23, 2017: 110 citizens attended the second open house to discuss the 2017 Cycle amendments. Of the 110 attendees, 61 joined a breakout group to specifically discuss the Killearn Golf and Country Club amendment.

General Summary of Public Comments - A general summary of public comments is included as Attachment #10. Copies of all public comments received by the Planning Department are also provided to the Local Planning Agency and Joint City-County Commission.

G. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle 2016 Meetings		Dates	Time and Locations
X	Local Planning Agency Workshop	January 19, 2016	9:00 AM, Second Floor, Frenchtown Renaissance Center
X	Local Planning Agency Public Hearing	February 7, 2017 and Continued to February 15, 2017	6:00 PM, Second Floor, City Commission Chamber, City Hall
	Joint City-County Commission Workshop	March 7, 2017	1:30 PM, Second Floor, City Commission Chamber, City Hall
	Joint City-County Transmittal Public Hearing	April 4, 2017	6:00 PM, Second Floor, City Commission Chamber, City Hall
	Joint City-County Adoption Public Hearing	May 23, 2017	6:00 PM, Second Floor, City Commissioner Chamber, City Hall

Local Planning Agency Public Hearing – February 7, 2017: On February 7, 2017, the Local Planning Commission voted 5-0 to close the public hearing and continued deliberations on the proposed amendment to February 15, 2017, to permit further discussions between the neighborhood residents and the applicant pertaining to a development concept for Site E.

At the February 15, 2017 meeting, the Local Planning Agency recommended denial (3-2) of the proposed land use amendment and denial of the proposed rezoning, with two commissioners recusing themselves. The findings of the Planning Commission supporting this denial are as follows:

“So what we are doing is providing findings by the majority that voted against the motion to approve staff’s recommendation. So, I am again going to restate what I stated on the 7th my reasons for voting against the motion. I find the proposal to amend the future land use map classification of Site E and to rezone it as requested by the applicant as inconsistent with the Comprehensive Plan Vision Statement which states ‘It is the intent of the Plan to maintain the integrity of existing neighborhoods’ because of the negative impacts of higher intensity development on Site E adjacent to the single family residential properties that border Site E on the North and East. That doing so would also be inconsistent with the prohibition in Land Use Element Policy 2.1.1 against the encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. And third for the same reasons - inconsistent with Housing Element Policy 3.2 which provides for fostering and maintain the viability of residential areas and neighborhoods and the integrity of the housing stock located within them. Finally, I disagree with staff’s assertion that the proposal is compatible with Land Use Element Policy 1.1.7 which requires in part that higher density and mixed use development and its ancillary activities shall be channeled into locations with compatible existing land uses.

The argument being that the single family residential bordering Site E on the north and east is not compatible existing land use.”

H. ATTACHMENTS

- | | |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Attachment #1 | Complete text of the Applicants’ reasons for the Map Amendment |
| Attachment #2 | Copy of Amended Special Restrictive Covenant for Killearn Golf and Country Club |
| Attachment #3 | Copy of Mediated Partial Settlement Agreement |
| Attachment #4 | Killearn Homes Association, Inc., Notice of Voluntary Dismissal |
| Attachment #5 | Land Use Element Policy 2.2.14 Recreation/Open Space Future Land Use Category |
| Attachment #6 | Land Use Element Policy 2.2.23 Urban Residential Future Land Use Category
Land Use Element Policy 2.2.3 Residential Preservation Future Land Use Category |
| Attachment #7 | Provision of complete text of the following Comprehensive Plan Policies and Objectives referenced in report:

Land Use Element Policy 1.4.5 Criteria for Evaluating Amendments

The Comprehensive Plan Vision Statement

Land Use Objective 1.1 Services Capacity to Accommodate Growth

Land Use Element Policy 1.1.7 Mixed Use Development/ Capital Infrastructure

Land Use Element Objective 2.1 Future Mixed Residential Areas/Variety of Housing

Land Use Element Policy 2.1.8 Future Mixed Residential Areas/Variety of Housing

Land Use Element Policy 2.2.23 Encourages a range of densities to promote infill

Mobility Element Objective 1.1 Compact Forms/Mixture of Uses |
| Attachment #8 | Chart of Dwelling Units allowed under 1990 Zoning Districts |
| Attachment #9 | Zoning district charts for the following zoning districts referenced in report:

Section 10-241. Residential Preservation- 1 and Residential Preservation- 2

Sec.10-247. Urban Residential (R-4) |
| Attachment #10 | General Summary of Public Comments |



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Attachment #8 – Applicant Statement

Killearn Golf Course was established in 1969 as the signature amenity of the Killearn Estates Subdivision. The golf course was a 27-hole facility with three sets of nine holes comprised of the North, South and East. The golf course also offered a 90 bed hotel, restaurant, nineteenth hole, banquet room, swimming pool, tennis course and typical golf operational buildings. The Killearn Country Club hosted the Tallahassee Open which was a golf tournament on the PGA Tour from 1969 to 1989. After the PGA tour moved out the LPGA followed with the Tallahassee Open from 1990-1992. Since then Killearn has hosted other satellite tournaments on an in frequent basis.

During Killearn Country Club's eminence the club played a vital role in the community, by hosting golf tournaments, special events, and Friday night dinners; as well as being a great place to meet up with friends and family. Since the original opening the club has undergone a series of minor renovations to accommodate the continued operations. However the facilities are nearing their service life and are in need of major rehabilitation. The owner of Killearn County Club has envisioned updating the club in attempts to bring back some of the nostalgia from years past. In order to finance such an undertaking the owner has developed a plan to raise the capital necessary to make major club improvements.

As mentioned previously the club was originally founded with 27 golf holes broken up into three sets of nine holes. The majority of the golf played at Killearn has been primarily on the South and East courses. The North course nicknamed "The Narrows" was less popular with the members and received significantly less play. Over the recent years the North course has received less and less play, partly due to the constricting layout and golf difficulty. Regardless of the amount of play the maintenance cost to keep the North open has increased. Due to the reduced play and the increases in maintenance cost the owner has decided to close the North course to play as of March 2016. In order to close the North the owner was required to amend the Special Restricted Covenants which was due to expire in 2021. The revisions included maintaining golf for the Championship Golf Course (South and East Courses) until 2061 and allowing changes to the North Corse and other club amenities. A special article was included in the recorded Amended Special Restrictive Covenants (Public Records Bk 4900 PG 2305), which states that net sale proceeds from the sale of property must be re-invested into Killearn Golf and County Club.

The ability to close the North course provides an opportunity to identify a contiguous area of approximately 30 developable acres which includes the horseshoe shaped holes of 7 thru 9 with the maintenance building and driving range situated in the middle. It is this area that the owner intends to sale to a developer which would fund the improvements to Killearn Country Club on the remaining 5+/- acres. Before the owner can sale the property a Comprehensive Plan Amendment is required to change the underlying land use from Recreational/Open Space to a land use that will allow for residential development.

The residential development would require a density of 10 units per acre which could be comprised of single family detached or attached units and possibly an age restricted multifamily project. If an age restricted multi-family project is proposed it would be designed to be adjacent



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to the existing multi-family uses that currently exist on the northwest portion of the site. The existing single family uses on the north east portion of the project would be buffered by either single family units and or Type D vegetated buffers as required by the City of Tallahassee Code.

The Comprehensive Plan Amendment request with this development would change the existing underlying Land Use from Open Space within the 35 acres to Urban Residential which allows for residential development up to 10 units per acre. The associated zoning would be changed from RP-1 to R-4 zoning which allows a mix of residential development up to 10 units per acre and also includes golf courses as a primary use.

Also as part of the Comprehensive Plan Amendment the owner would include holes 1 thru 6 of the North Course into a conservation easement with the exception of the creation of 9 residential lots. These lots would be single family detached residential units consistent with the existing adjacent single family lots. The proposed lots would be located on existing city streets and where the North Course crosses the existing right of way. The proposed lots would include a 15' wide access easement which would allow for the contiguous use of the conservation easement. The conservation easement can be donated to the Killearn Home Owners Association for passive recreational use and/or to the City of Tallahassee for public improvement projects.

Stormwater treatment for the proposed development and the Killearn County Club improvements would be provided by a Regional Stormwater Management Facility (SWMF) located on lowest point of the project which occurs on the project's northern boundary. The SWMF would be designed during the development permitting and would meet the stormwater requirements of the Tallahassee Land Development Code. The proposed pond would be appropriately landscaped which would provide a buffer to the existing single family uses to the North.

Traffic generated from the proposed project will be evaluated during the Site Plan process as required by the City of Tallahassee. A traffic analysis will be provided for the proposed development at the time of permitting and any traffic impacts will be mitigated through the City's Concurrency Management process.

Any impacts to area schools will also be addressed during the site plan process. The exact impacts will not be able to be determined until a development plan has been submitted to the City of Tallahassee for Site Plan approval. Any impacts to area schools will be mitigated with the Leon County School Board.

In Summary, the owner of Killearn Golf and Country Club intends to upgrade the facilities at the Club. As a means to finance the improvements the owner intends to sale a portion of the North Course to a residential developer. The proposed residential area would be developed up to 10 units per acre adjacent to existing multi-family and single family uses with appropriate buffering required by code. The impacts from stormwater, traffic and schools from any proposed development will be mitigated as determined during the site plan permitting process. In addition, holes 1-6 of the North course will be included in a conservation easement (with the exception of 9 proposed residential lots) for use by either the Killearn HOA or City of Tallahassee for public benefit.



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Below are the responses to the application questions required for Attachment 8:

Application Questions

1. Why do you want to change the Future Land Use Map?

This proposed amendment will change the Future Land Use Map designation from Recreation/Open Space (RO) to Urban Residential (UR) for the 35 acres indicated on the attached map. In addition the proposed amendment will change the Future Land Use Map designation from Recreation/Open Space to Residential Preservation for the proposed 9 residential lots.

The intent of this proposed amendment is to change the future land use of the parcels to confirm with the adjacent uses promote infill development and to allow for redevelopment of the properties.

2. Is your request compatible with adjacent and nearby properties?

The request is compatible with adjacent and nearby properties as the developer purposes an age restricted housing complex and residential. The proposed uses are planned to coincide with the adjacent density and intensity.

3. Are there any existing code violations associated with the subject property?

Staff research shows no existing code violations associated with the subject properties.

4. How does your request further the concepts reviewed in the Vision Statement for the Comprehensive Plan? This is an opportunity to explain to citizens and elected officials how the requested change fits into the larger vision provided by the Comprehensive Plan.

The request furthers the concepts reviewed in the Vision Statement for the Comprehensive Plan by providing an opportunity for our community to "preserve, protect and enhance the quality of life for all citizens" and to encourage and support "economically sound residential, educational, employment, cultural, recreational, commercial and industrial opportunities for the citizens." Allowing for redevelopment opportunities is one component of "systematically planning for growth, development and redevelopment

This concept provides development within the Urban Services area where infrastructure is available. In additional the development contains urban sprawl by increasing density within an existing urban area. The proposed project is consistent with the vision of development channeled into locations that offer a greater opportunity for a higher density and mixture of uses that a policy of urban containment encourages.

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 FLCA 00030572

REVISIONS	DATE	BY

KILLEARN COUNTY CLUB
 COMP PLAN AMENDMENT
 LAND USE EXHIBIT
 FLORIDA

DRAWN BY: M.E.C.
 CHECKED BY: S.K.L.
 DATE: 09/29/16
 NORTH: 1"=400'
 SHEET: 14300
 PROJECT No.: 14300



Prepared by and return to:
Daniel E. Manausa, Esq.
Manausa Law Firm, P.A.
1701 Hermitage Blvd., Ste. 100
Tallahassee, FL 32308

**FIRST AMENDMENT TO
SPECIAL RESTRICTIVE COVENANTS**

This **FIRST AMENDMENT TO SPECIAL RESTRICTIVE COVENANTS** ("Amendment") is made this 29 day of February, 2016, by Palmetto Club Properties Limited Partnership, a South Carolina Limited Partnership, whose mailing address is 117 Manly St., Greenville, SC 29601 ("Declarant" and "Owner").

WHEREAS, the predecessor in interest to the Declarant recorded the Special Restrictive Covenants in Official Records Book 933, Page 446, of the Public Records of Leon County, Florida ("Covenants");

WHEREAS, the Declarant desires to amend the Covenants, as specifically described below.

NOW, THEREFORE, in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby amends the Declaration as follows:

1. ARTICLE IV is hereby deleted and restated in its entirety as follows:

RESTRICTED USE

The Declarant binds itself and all subsequent purchasers for and during the term hereof to the restricted use of the 18-hole golf course, commonly referred to as the "Championship Golf Course" located on the property now known as Killearn Golf and Country Club, to its exclusive use and purpose as a golf course. Of the property described in said Exhibit "A," so much of it,



BUT ONLY so much of it as is specified to be used or is currently being used with regard solely to the particular articulated functions, as follows, being included in this Covenant:

- A. The Championship 18-hole Course; and
- B. A golf driving range; and
- C. Golf practice putting greens; and
- D. A golf pro shop; and
- E. A golf cart storage shed and area.

(The location of items B-E may be relocated) EXCLUDED from the effect of this Article are all areas, uses, lands, and improvements not specifically included above, among which exclusions from this Article shall be:

- 1. The country club house and 19th hole; and
- 2. The motel units and office thereof; and
- 3. The swimming pool and pool area; and
- 4. The tennis and handball courts; and
- 5. All lands not now developed or under development; and
- 6. The 9-hole golf course commonly referred to as "the Narrows" or "North Course";
and
- 7. Any and all extensions, enlargements, or additions to the above uses enumerated in items 1 through 6, inclusive.

- 2. ARTICLE VI is hereby deleted and restated in its entirety as follows:

Page 2

DURATION

The Covenants and Restrictions of this Declaration shall run with and bind the land and inure to the benefit of the membership of the Killearn Golf and Country Club, by whatever changed name it might function under, until December 31, 2061, after which time, or if sooner terminated pursuant hereto, said Covenants shall automatically expire and be without legal efficacy whatever without further act or comment.

3. ARTICLE VII is hereby created as follows:

PROCEEDS FROM SALE OF PROPERTY

In the event Declarant sells any portion of the property comprising the Narrows, also known as the North Course, Declarant shall be expressly prohibited from receiving sales proceeds relevant to said sale, and will be required to utilize the net sales proceeds to benefit any or all of the following: club house; locker rooms; pro shop; dining areas and kitchen facilities; Championship Course; tennis facilities; pool area; fitness area; and, other amenities of the Killearn Golf and Country Club. As used herein, "net sales proceeds" shall mean all funds generated from the said sale(s) after payment of all closing costs and expenses associated with the development and sale of that same property, exclusive of any pre-existing debt owed on the property.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed as of the
day and year first above written.

Signed in the presence of:

Stephanie W. Robinson
Witness Name: Stephanie W. Robinson

Palmetto Club Properties Limited
Partnership

Douglas G. Brown
Witness Name: Douglas G. Brown

N. Barton Tuck, Jr.
By: N. Barton Tuck, Jr.
Its: General Partner

STATE OF South Carolina)
COUNTY OF Pickens) ss.:

Sworn to and subscribed before me this 29th day of February in the year 2016 by N. Barton Tuck, Jr., as general partner of Palmetto Club Properties Limited Partnership. He is personally known to me or has produced _____ as identification

NOTARY SEAL

Notary: Melinda L. Andrews
Print Name: Melinda L. Andrews
Notary Public, State of South Carolina
My commission expires: _____

My Commission Expires
September 29, 2024



OFF 993 PAGE 452
RECAREA I - Holes 6 and 7, Old Course (27.58 Acres)

Begin at the Southeast corner of Lot 14, Block "AH" of Killearn Estates Unit No. 10, as recorded in Plat Book 6, Page 4 of the Public Records of Leon County, Florida, and run thence South 03 degrees 05 minutes 40 seconds West 115.0 feet to a point of curve to the right, thence Southwesterly along said curve with a radius of 370.54 feet, through a central angle of 39 degrees 00 minutes, for an arc distance of 252.22 feet, thence

South 42 degrees 05 minutes 40 seconds West 130.0 feet, thence
North 39 degrees 21 minutes 40 seconds West 122.69 feet, thence
South 88 degrees 57 minutes 30 seconds West 275.05 feet, thence
South 54 degrees 01 minute 40 seconds West 383.05 feet, thence
South 21 degrees 31 minutes 20 seconds West 381.61 feet, thence
South 12 degrees 12 minutes 00 seconds East 189.27 feet, thence
South 27 degrees 20 minutes 00 seconds East 163.25 feet, thence
North 74 degrees 34 minutes 40 seconds East 150.42 feet, thence
South 25 degrees 30 minutes 50 seconds East 487.54 feet, thence
South 57 degrees 39 minutes 10 seconds West 177.55 feet, thence
South 02 degrees 23 minutes 10 seconds West 240.21 feet, thence
South 08 degrees 11 minutes 30 seconds East 364.33 feet, thence
South 65 degrees 43 minutes 30 seconds West 35.0 feet

to a point of curve to the right, thence Southwesterly along said curve with a radius of 669.12 feet, through a central angle of 22 degrees 00 minutes 30 seconds, for an arc distance of 256.90 feet, thence

North 07 degrees 03 minutes 30 seconds West 744.48 feet, thence
North 38 degrees 36 minutes 38 seconds West 390.84 feet, thence
North 38 degrees 33 minutes 30 seconds West 50.00 feet, thence
North 30 degrees 33 minutes 30 seconds West 86.53 feet, thence
South 83 degrees 50 minutes 24 seconds West 41.50 feet, thence
North 06 degrees 09 minutes 36 seconds West 91.50 feet, thence
North 05 degrees 20 minutes 13 seconds East 430.84 feet, thence
North 20 degrees 01 minute 50 seconds East 510.91 feet, thence
North 53 degrees 58 minutes 20 seconds East 340.04 feet, thence
North 75 degrees 07 minutes 30 seconds East 331.10 feet, thence
South 88 degrees 57 minutes 40 seconds East 561.30 feet

to the POINT OF BEGINNING: containing 27.58 acres, more or less.

AREA II - Holes 13, 14, 15 and 16, Old Course (40.12 Acres)

Begin at the most Easterly corner of Lot 20, Block "EE" of Killearn Estates Unit No. 3, recorded in Plat Book 5, Page 12 of the Public Records of Leon County, Florida. From said POINT OF BEGINNING run thence

South 45 degrees 44 minutes 40 seconds East 312.26 feet, thence
South 01 degree 39 minutes 40 seconds West 131.04 feet, thence
South 19 degrees 51 minutes 20 seconds East 382.75 feet, thence
South 86 degrees 28 minutes 40 seconds East 325.61 feet, thence
North 49 degrees 29 minutes 50 seconds East 315.63 feet, thence
North 58 degrees 42 minutes 20 seconds East 596.82 feet, thence
North 84 degrees 07 minutes 20 seconds East 341.80 feet, thence
South 71 degrees 01 minute 50 seconds East 339.38 feet, thence
South 63 degrees 26 minutes 10 seconds East 245.97 feet, thence
North 74 degrees 03 minutes 20 seconds East 366.01 feet, thence
North 40 degrees 30 minutes 10 seconds East 315.63 feet, thence
North 09 degrees 30 minutes 10 seconds West 132.35 feet

to a point lying on a curve concave to the Northwesterly, thence from a tangent bearing of North 77 degrees 14 minutes 10 seconds East run Northwesterly along said curve having a radius of 512.13 feet, through a central angle of 25 degrees 30 minutes, for an arc distance of 227.93 feet, thence

North 31 degrees 44 minutes 10 seconds East 77.0 feet, thence
South 65 degrees 15 minutes 13 seconds East 156.75 feet, thence

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South 08 degrees 58 minutes 20 seconds West 192.35 feet, thence
 South 27 degrees 24 minutes 30 seconds West 608.28 feet, thence
 South 74 degrees 49 minutes 40 seconds West 305.65 feet, thence
 South 62 degrees 14 minutes 30 seconds West 322.06 feet, thence
 South 12 degrees 13 minutes 10 seconds West 255.54 feet

to a point on the Northerly right of way boundary of a county road running from Thomasville Road to Centerville Road, thence along the Northerly right of way boundary of said county road, as follows: North 84 degrees 13 minutes 40 seconds West 112.00 feet to a point of curve to the left, thence Northwesterly along said curve with a radius of 2864.83 feet, through a central angle of 06 degrees 12 minutes 50 seconds, for an arc distance of 310.71 feet thence leaving said county road run North 12 degrees 14 minutes 20 seconds West 208.79 feet, thence

North 16 degrees 20 minutes 10 seconds West 302.20 feet, thence
 North 33 degrees 41 minutes 20 seconds West 144.22 feet, thence
 South 55 degrees 24 minutes 30 seconds West 176.14 feet, thence

South 07 degrees 25 minutes 40 seconds West 65.97 feet to a point on a curve concave to the Southeast, thence from a tangent bearing of North 82 degrees 34 minutes 20 seconds West run Southwesterly along said curve with a radius of 50.0 feet, through a central angle of 86 degrees 39 minutes, for an arc distance of 75.61 feet, thence

North 79 degrees 13 minutes 20 seconds West 56.89 feet, thence
 South 54 degrees 27 minutes 40 seconds West 645.17 feet, thence
 South 05 degrees 49 minutes 00 seconds East 137.76 feet

to the Northerly right of way boundary of Shamrock South, thence South 83 degrees 45 minutes 30 seconds West along said right of way boundary 169.18 feet, thence

North 06 degrees 14 minutes 30 seconds West 75.00 feet, thence
 North 82 degrees 27 minutes 18 seconds West 217.07 feet, thence
 South 89 degrees 16 minutes 30 seconds West 212.26 feet, thence
 North 83 degrees 44 minutes 10 seconds West 412.46 feet, thence
 North 02 degrees 43 minutes 30 seconds West 840.95 feet, thence
 North 45 degrees 13 minutes 30 seconds East 225.60 feet

to the POINT OF BEGINNING: containing 40.12 acres, more or less.

AREA III - Holes 2 and 3, New Course (15.02 Acres)

Commence at the Northern most corner of Lot 13, Block "KK" of Killcarn Estates Unit No. 3, as recorded in Plat Book 5, Page 12 of the Public Records of Leon County, Florida. From said POINT OF COMMENCEMENT proceed thence,

North 72 degrees 20 minutes 17 seconds East 714.54 feet, thence
 North 37 degrees 45 minutes 52 seconds East 100.00 feet, thence
 South 53 degrees 44 minutes 41 seconds East 1070.17 feet, thence
 North 80 degrees 23 minutes 52 seconds East 137.34 feet, thence
 North 83 degrees 12 minutes 40 seconds East 60.0 feet

to the POINT OF BEGINNING. From said POINT OF BEGINNING run thence

North 06 degrees 47 minutes 20 seconds West 211.48 feet, thence
 North 80 degrees 09 minutes 12 seconds East 116.73 feet, thence
 North 30 degrees 27 minutes 56 seconds East 591.69 feet, thence
 North 79 degrees 35 minutes 02 seconds East 691.39 feet, thence
 North 50 degrees 40 minutes 39 seconds East 607.56 feet, thence
 South 39 degrees 22 minutes 20 seconds East 322.54 feet

to a point of curve to the right, said curve having a radius of 30.0 feet, through a central angle of 90 degrees, for an arc distance of 47.12 feet, thence

South 50 degrees 37 minutes 40 seconds West 557.16 feet, thence
 West 554.73 feet,
 South 08 degrees 07 minutes 48 seconds East 282.84 feet, thence
 South 67 degrees 45 minutes 54 seconds West 858.87 feet

to the POINT OF BEGINNING; containing 15.02 acres, more or less.

EXHIBIT A
Page 2 of 3

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AREA IV - Holes 1,2,3,4,5,8,9,10,11,12,17,18 - Old Course;
Holes 1,4,5,6,7,8,9 - New Course;
Country Club Site (185.47 Acres)

Begin at the Southwest corner of Lot 3, Block "AM" of Killbuck Estates Unit No. 10, as recorded in Plat Book 6, Page 4 of the Public Records of Leon County, Florida, said point lying on a curve concave to the Northwesterly, thence from a tangent bearing of South 14 degrees 02 minutes 20 seconds West run Southwesterly along said curve with a radius of 430.54 feet, through a central angle of 28 degrees 03 minutes 30 seconds, for an arc distance of 210.84 feet, thence

South 14 degrees 21 minutes 17 seconds East 323.64 feet, thence
South 02 degrees 03 minutes 59 seconds East 108.48 feet, thence
South 49 degrees 16 minutes 07 seconds West 112.89 feet, thence
South 07 degrees 40 minutes 53 seconds East 92.96 feet, thence
South 68 degrees 47 minutes 47 seconds East 86.08 feet, thence
South 35 degrees 02 minutes 34 seconds East 150.0 feet, thence
South 45 degrees 45 minutes 20 seconds West 174.30 feet, thence
South 24 degrees 51 minutes 50 seconds East 30.94 feet, thence
South 41 degrees 18 minutes 31 seconds East 219.66 feet, thence
South 09 degrees 18 minutes 49 seconds East 175.98 feet, thence
South 13 degrees 19 minutes 30 seconds West 145.25 feet, thence
South 02 degrees 02 minutes 40 seconds West 280.18 feet, thence
South 11 degrees 53 minutes 20 seconds East 388.33 feet, thence
South 08 degrees 25 minutes 37 seconds West 272.95 feet, thence
North 86 degrees 49 minutes 13 seconds West 180.28 feet, thence
North 61 degrees 08 minutes 40 seconds West 279.73 feet, thence

South 81 degrees 59 minutes 43 seconds West 323.15 feet, thence
North 15 degrees 34 minutes 30 seconds West 177.08 feet, thence
South 65 degrees 43 minutes 30 seconds West 25.0 feet

to a point of curve to the right, thence Southwesterly along said curve with a radius of 729.12 feet, through a central angle of 15 degrees 19 minutes 35 seconds, for an arc distance of 194.94 feet, thence

South 14 degrees 34 minutes 27 seconds West 224.64 feet, thence
South 05 degrees 53 minutes 47 seconds West 210.0 feet, thence
South 03 degrees 45 minutes 09 seconds West 535.86 feet, thence
South 17 degrees 13 minutes 00 seconds East 371.68 feet, thence
South 05 degrees 31 minutes 40 seconds East 311.45 feet, thence
South 72 degrees 28 minutes 30 seconds East 298.87 feet, thence
South 61 degrees 30 minutes 30 seconds East 225.88 feet, thence
North 00 degrees 00 minutes 30 seconds West 758.54 feet, thence
North 13 degrees 32 minutes 10 seconds East 277.71 feet, thence
North 07 degrees 00 minutes 00 seconds West 287.14 feet, thence
North 57 degrees 50 minutes 50 seconds East 206.70 feet, thence
South 72 degrees 30 minutes 40 seconds East 382.69 feet, thence
North 64 degrees 23 minutes 50 seconds East 266.13 feet, thence
North 10 degrees 53 minutes 10 seconds East 529.53 feet, thence
North 22 degrees 37 minutes 10 seconds West 325.00 feet, thence
North 20 degrees 41 minutes 40 seconds East 240.52 feet, thence
North 55 degrees 22 minutes 30 seconds East 255.20 feet, thence
North 60 degrees 43 minutes 30 seconds East 378.32 feet, thence
North 64 degrees 50 minutes 30 seconds East 50.0 feet, thence
South 25 degrees 09 minutes 30 seconds East 189.65 feet

to a point lying on a curve concave to the Southerly, thence from a tangent bearing of North 88 degrees 01 minutes 36 seconds East run Southwesterly along said curve having a radius of 191.30 feet, through a central angle of 42 degrees 23 minutes 40 seconds, for an arc length of 141.56 feet, thence

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North 52 degrees 35 minutes 30 seconds East 142.44 feet, thence
 South 39 degrees 55 minutes 10 seconds East 718.91 feet, thence
 South 11 degrees 53 minutes 20 seconds West 194.16 feet, thence
 South 51 degrees 43 minutes 50 seconds West 573.17 feet, thence
 South 60 degrees 27 minutes 40 seconds West 517.23 feet, thence
 South 42 degrees 36 minutes 50 seconds West 379.73 feet, thence
 South 45 degrees 44 minutes 40 seconds East 272.26 feet, thence
 North 34 degrees 17 minutes 10 seconds East 133.14 feet, thence
 North 60 degrees 56 minutes 40 seconds East 926.61 feet, thence
 North 48 degrees 48 minutes 50 seconds East 511.51 feet, thence

East 255.0 feet, thence

South 34 degrees 59 minutes 30 seconds East 183.10 feet, thence
 South 68 degrees 17 minutes 20 seconds East 581.23 feet, thence

East 200.0 feet, thence

South 56 degrees 31 minutes 40 seconds East 153.28 feet, thence
 North 86 degrees 50 minutes 08 seconds East 134.62 feet, thence
 South 68 degrees 31 minutes 58 seconds East 112.61 feet, thence
 North 51 degrees 44 minutes 10 seconds East 215.00 feet, thence
 North 46 degrees 25 minutes 10 seconds West 174.33 feet, thence
 North 15 degrees 15 minutes 20 seconds West 114.02 feet, thence
 North 68 degrees 52 minutes 10 seconds West 494.01 feet, thence
 North 83 degrees 40 minutes 57 seconds West 350.51 feet, thence
 North 32 degrees 51 minutes 12 seconds West 152.40 feet, thence
 North 68 degrees 52 minutes 10 seconds West 389.31 feet, thence
 North 23 degrees 44 minutes 50 seconds West 136.56 feet, thence
 North 23 degrees 07 minutes 38 seconds West 661.37 feet, thence
 North 37 degrees 45 minutes 52 seconds East 100.00 feet, thence
 South 53 degrees 44 minutes 41 seconds East 1070.17 feet, thence
 North 80 degrees 23 minutes 52 seconds East 137.34 feet, thence
 North 06 degrees 47 minutes 20 seconds West 260.0 feet, thence
 North 62 degrees 43 minutes 14 seconds West 292.18 feet, thence
 North 60 degrees 56 minutes 43 seconds West 411.83 feet, thence
 North 51 degrees 06 minutes 56 seconds West 796.49 feet, thence
 North 07 degrees 04 minutes 52 seconds East 405.59 feet, thence
 South 64 degrees 43 minutes 20 seconds East 497.65 feet, thence
 North 78 degrees 12 minutes 03 seconds East 758.02 feet, thence
 South 19 degrees 07 minutes 11 seconds East 238.14 feet, thence
 North 70 degrees 05 minutes 46 seconds East 308.42 feet, thence
 North 84 degrees 43 minutes 08 seconds East 597.54 feet, thence
 North 28 degrees 48 minutes 39 seconds East 684.76 feet, thence
 North 72 degrees 48 minutes 05 seconds East 219.83 feet, thence
 South 25 degrees 20 minutes 46 seconds East 315.36 feet, thence
 South 10 degrees 41 minutes 06 seconds East 269.68 feet, thence
 South 09 degrees 16 minutes 38 seconds East 263.82 feet, thence
 South 39 degrees 22 minutes 20 seconds East 234.02 feet

to a point of curve to the left, thence along said curve with a radius of
 30 feet, through a central angle of 90 degrees 00 minutes 00 seconds, for
 an arc distance of 47.12 feet, thence

North 50 degrees 37 minutes 40 seconds East 30.0 feet, thence
 North 13 degrees 37 minutes 27 seconds West 196.95 feet, thence
 North 05 degrees 47 minutes 28 seconds East 190.87 feet, thence
 North 06 degrees 07 minutes 04 seconds West 331.95 feet, thence
 North 09 degrees 32 minutes 49 seconds West 115.70 feet, thence
 North 28 degrees 49 minutes 37 seconds West 548.17 feet, thence
 North 84 degrees 32 minutes 58 seconds West 220.01 feet, thence
 South 38 degrees 18 minutes 07 seconds West 989.60 feet, thence
 South 83 degrees 25 minutes 05 seconds West 654.31 feet, thence
 North 87 degrees 07 minutes 35 seconds West 946.44 feet, thence
 North 61 degrees 51 minutes 56 seconds West 408.39 feet, thence

EXHIBIT 1
Page 4 of 5

OFF REC. 993 PAGE 456

North 16 degrees 10 minutes 39 seconds East 305.08 feet, thence
 South 83 degrees 09 minutes 26 seconds East 100.72 feet, thence
 North 08 degrees 11 minutes 16 seconds East 140.43 feet, thence
 North 15 degrees 22 minutes 28 seconds West 324.84 feet, thence
 South 87 degrees 46 minutes 37 seconds East 100.00 feet, thence
 North 13 degrees 45 minutes 57 seconds West 380.0 feet, thence
 North 70 degrees 59 minutes 47 seconds West 558.97 feet, thence
 South 65 degrees 56 minutes 20 seconds West 229.07 feet, thence
 North 88 degrees 40 minutes 20 seconds West 20.56 feet, thence
 South 31 degrees 31 minutes 47 seconds West 193.04 feet

to a point on a curve concave to the Easterly, thence from a tangent bearing of South 15 degrees 00 minutes 40 seconds West run Southerly along said curve with a radius of 300.00 feet, through a central angle of 36 degrees 48 minutes, for an arc length of 192.68 feet, thence

South 28 degrees 01 minute 37 seconds West 304.16 feet, thence
 South 33 degrees 07 minutes 12 seconds West 202.38 feet, thence
 South 77 degrees 20 minutes 36 seconds West 73.51 feet, thence
 North 05 degrees 20 minutes 22 seconds East 172.38 feet

to a point of curve to the left, thence along said curve with a radius of 128.55 feet, through a central angle of 57 degrees 08 minutes 19 seconds, for an arc distance of 128.20 feet, thence North 51 degrees 47 minutes 57 seconds West 120.00 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet, through a central angle of 90 degrees, for an arc distance of 47.12 feet, thence South 38 degrees 12 minutes 03 seconds West 120.0 feet to a point on a curve concave to the Southerly, thence from a tangent bearing of North 38 degrees 12 minutes 03 seconds East run Northeasterly and Southeasterly along said curve with a radius of 30.00 feet, through a central angle of 90 degrees, for an arc distance of 47.12 feet, thence

South 51 degrees 47 minutes 57 seconds East 100.0 feet, thence
 South 02 degrees 47 minutes 30 seconds East 385.82 feet, thence
 South 33 degrees 06 minutes 40 seconds East 249.15 feet, thence
 North 85 degrees 42 minutes 41 seconds East 16.86 feet, thence
 South 05 degrees 57 minutes 13 seconds East 118.12 feet

to a point of curve to the right, thence along said curve with a radius of 138.79 feet, through a central angle of 44 degrees 01 minute 19 seconds, for an arc distance of 106.64 feet, thence South 38 degrees 04 minutes 06 seconds West 148.88 feet to a point of curve to the left, thence along said curve with a radius of 148.06 feet, through a central angle of 54 degrees 33 minutes 10 seconds, for an arc distance of 140.97 feet, thence South 16 degrees 29 minutes 04 seconds East 52.32 feet to a point of curve to the left, thence along said curve with a radius of 137.44 feet, through a central angle of 38 degrees 13 minutes 20 seconds, for an arc distance of 91.69 feet, thence

South 54 degrees 42 minutes 24 seconds East 74.78 feet, thence
 South 38 degrees 27 minutes 06 seconds West 245.08 feet, thence
 South 67 degrees 10 minutes 24 seconds West 572.25 feet, thence
 North 06 degrees 07 minutes 18 seconds West 156.90 feet, thence
 North 18 degrees 23 minutes 07 seconds West 634.17 feet, thence
 North 00 degrees 18 minutes 57 seconds West 163.33 feet, thence
 North 75 degrees 57 minutes 40 seconds West 105.46 feet

to the POINT OF BEGINNING: containing 185.47 acres, more or less.

EXHIBIT F
 Page 5 of 5

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:

Case No. 2014 CA 2865

Case No. 2014 CA 3010

JOSEPH B. BLANDFORD, et al.,

Plaintiffs,

KILLEARN HOMES ASSOCIATION,
INC.,

Intervenor Plaintiff,

vs.

CASE NO. 2014 CA 002865

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP, et al.,

Defendants.

CLAIRE A. DUCHEMIN,

Plaintiff,

KILLEARN HOMES ASSOCIATION, INC.,

Intervenor Plaintiff

vs.

CASE NO. 2014 CA 3010

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,

Defendant.

MEDIATED PARTIAL SETTLEMENT AGREEMENT

Pursuant to the mediation conference held on the 9th day of September, 2016, between Killearn Homes Association, Inc. (KHA) and Palmetto Club Properties Limited Partnership (Palmetto), and subject to approval by the Killearn Homes Association, Inc.'s Board of Directors, the parties have agreed to the following terms:

This document does not memorialize a final agreement and is expressly NON-BINDING upon the parties. Rather, it outlines general understandings and goals the parties, subject first to full Board approval by KHA, will work together in good faith to convert into final and binding agreements via recorded covenants and/or written agreements.

The parties have reviewed, and incorporate herein by reference, a concept plan for the Killearn Country Club prepared by NCG and Urban Catalyst Consultants ("the Plan"). Units and lots in the "Redevelopment Area" shaded blue therein shall be annexed as a new Unit to KHA. Lots in the redevelopment area shaded in orange shall be annexed into the respective adjoining/existing unit. The owners of same shall be dues paying members of KHA and the property shall be subject to the KHA's covenants and restrictions.

Palmetto acknowledges its duty and obligation to reinvest all funds generated by sales in the "Redevelopment Area" solely and exclusively into the Club ("Club" includes combined clubhouse and pro shop, parking lot, golf course, maintenance shop, and driving range) and will not be used to pay off any existing debt. Palmetto expressly agrees to provide written documentation sufficient to demonstrate that no lenders have a right to claim any such funds to satisfy preexisting debt obligations of Palmetto. The parties recognize the importance and priority of a premier clubhouse; to that end, the parties agree that said reinvested funds shall prioritize the redevelopment of the clubhouse to the extent feasible. The parties shall execute a recorded agreement whereby this duty shall be further bolstered and protected by the requirement to hold all proceeds in trust until they are properly utilized for said reinvestment. Said agreement

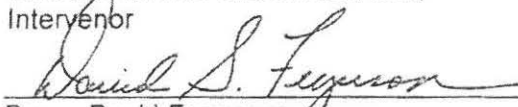
will prohibit closing in the event Palmetto is unable to fulfill this obligation due to intervening liens or debts. Palmetto will afford KHA means and methods via the agreement to insure Palmetto honors its obligation.

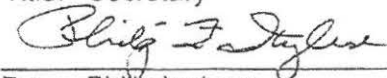
Single family residences shall be an allowable use in the areas shaded orange. The areas shaded in blue on the Plan include a certain number of single family homes as an allowable use, and an age restricted community consisting of 180-220 units containing high end amenities and a clubhouse shall be an allowable use, provided, and provided only, that the buffer between said community and single family homes must be in accord with the City of Tallahassee land use regulations AND must be approved by KHA. The buffer will be created by a written agreement (whether by covenant, easement, or agreement) which will clearly state the amount of buffer area and the only type of vegetation and/or improvement(s) allowable therein.

The areas shaded in green on the Plan shall become a conservation easement, the terms and conditions of which will be directed and determined by the Parties.

Dated in Tallahassee, Florida this 9th day of September, 2016.

Killearn Homes Association, Inc.,
Intervenor


By: David Ferguson
Title: Secretary


By: Philip Ingles
Title: Treasurer


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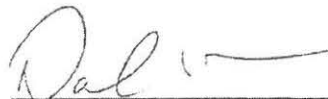


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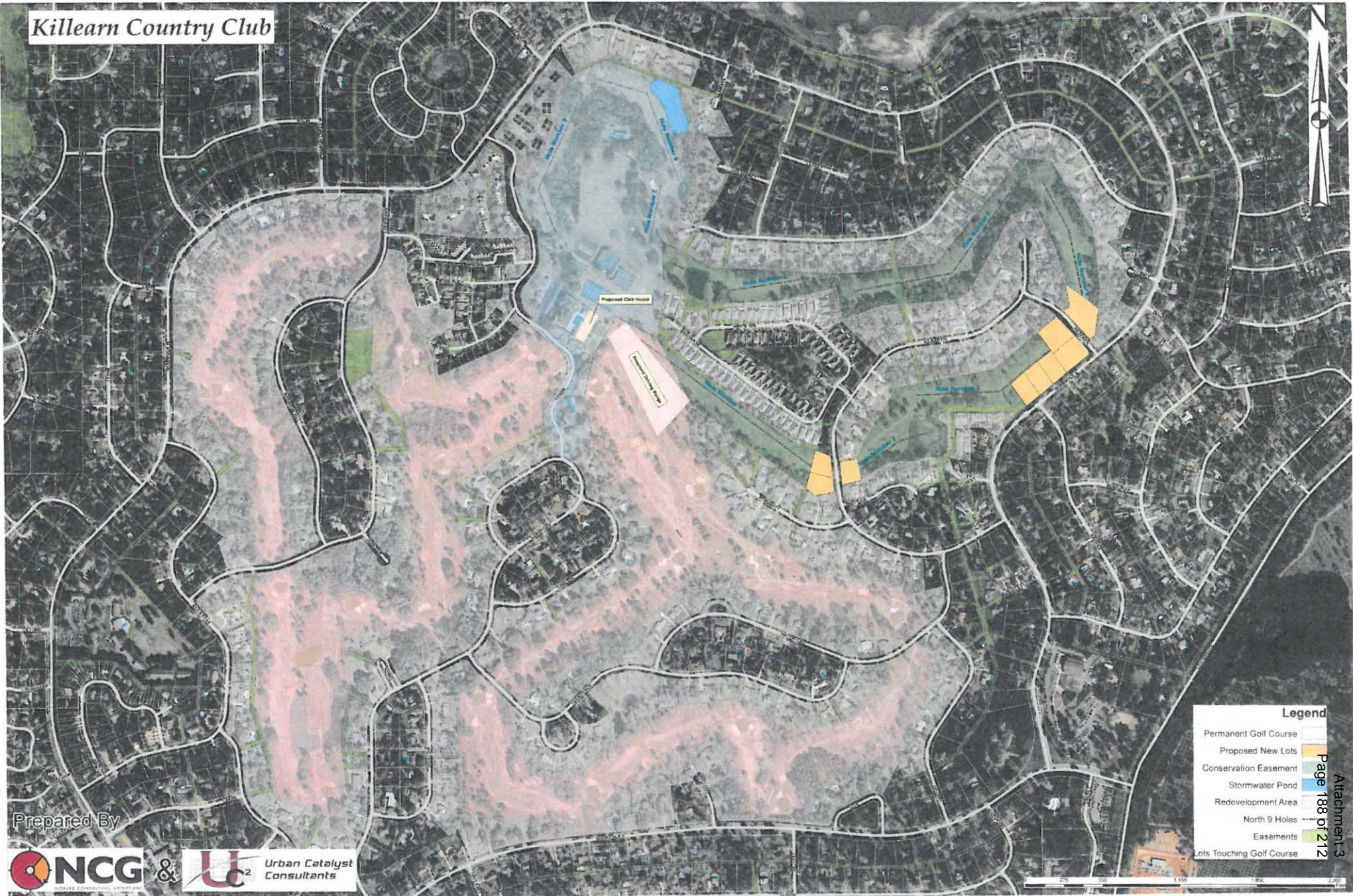


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Limited Partnership, Defendant

Killearn Country Club



Prepared By



Urban Catalyst
Consultants

Legend

- Permanent Golf Course
- Proposed New Lots
- Conservation Easement
- Stormwater Pond
- Redevelopment Area
- North 9 Holes
- Easements
- Lots Touching Golf Course

Attachment 3
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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:
CASE NO. 2014 CA 2865
CASE NO. 2014 CA 3010

JOSEPH B. BLANDFORD; et al.,

Plaintiffs,

CASE NO. 2014 CA 002865

KILLEARN HOMES ASSOCIATION, INC.

Intervenor

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP, et al.,

Defendants.

NOTICE OF VOLUNTARY DISMISSAL

Now comes Intervenor Killearn Homes Association, Inc., and pursuant to Rule 1.420(a), Florida Rules of Civil Procedure, hereby gives notice of voluntary dismissal of its claims in the above case without prejudice to refile claims in accordance with an agreement reached between Intervenor and Defendant.

Dated this 15th day of December, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via the electronic filing portal:

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Frank S. Shaw, III, Esq.
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on this 15th day of December, 2016.

/S/ Jennifer A. Winegardner, Esq.

ATTORNEY

Policy 2.2.14: [L]

RECREATION/OPEN SPACE (EFF. 8/17/92; REV. EFF. 7/26/06; RENUMBERED 3/14/07)

This category contains:

(1) Government owned lands which have active or passive recreational facilities, historic sites, forests, cemeteries, or wildlife management areas.

(2) Privately owned lands which have golf courses, cemeteries, or wildlife management areas. Permitted uses include passive recreation and silviculture. Active recreation facilities are included if the site is within the USA or a rural community

Policy 2.2.23: [L]

URBAN RESIDENTIAL (EFF. 7/20/05; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 1/22/16)

The primary intent of the Urban Residential land use category, which is to be applied only within the Urban Services Area, is to encourage medium density (4-10 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district shall contain design standards as well as locational criteria in order to accomplish these goals. The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing neighborhood, unless to correct, legal non-conforming uses and/or densities. The maximum residential density within the Urban Residential is 10 DU/AC and the minimum is 4 DU/AC.

Policy 2.2.3: [L]

RESIDENTIAL PRESERVATION (EFF. 7/16/90; REV. EFF. 7/26/06; REV. EFF. 4/10/09)

Characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function 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, including office as well as any 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. Compatibility with surrounding residential type and density shall be a major determinant in granting development approval.

For Residential Preservation areas outside the Urban Service area the density of the residential preservation area shall be consistent with the underlying land use category.

The Residential Preservation category shall be based on the following general criteria. For inclusion, a residential area should meet most, but not necessarily all of these criteria.

- 1) Existing land use within the area is predominantly residential

2) Majority of traffic is local in nature

- a) Predominance of residential uses front on local street
- b) Relatively safe internal pedestrian mobility

- 3) Densities within the area generally of six units per acre or less
- 4) Existing residential type and density exhibits relatively homogeneous patterns
- 5) Assessment of stability of the residential area, including but not limited to:

- a) Degree of home ownership
- b) Existence of neighborhood organizations

In order to preserve existing stable and viable residential neighborhoods within the Residential Preservation land use category, development and redevelopment activities in and adjoining Residential Preservation areas shall be guided by the following principles:

- a) The creation of transitional development area (TDA) for low density residential developments.

Higher density residential developments proposed for areas adjoining an established neighborhood within the residential preservation land use category shall provide a transitional development area along the shared property line in the higher density residential development. The development density in the transitional development area shall be the maximum density allowed in the Residential Preservation land use category. Development within the transitional development area shall be designed, sized and scaled to be compatible with the adjoining residential preservation area.

Transitional development areas shall be non-mapped areas and shall be approved at the time of site plan approval. The factors cited in paragraph (e) below shall be considered when determining the size of transitional development areas. The land development regulations shall specify development thresholds for the implementation of transitional development areas.

- b) Limitation on future commercial intensities adjoining low density residential preservation neighborhoods.

New or redeveloped commercial uses adjoining residential preservation designated areas shall mitigate potential impacts by providing a transitional development area between the commercial uses and residential preservation uses and only those commercial activities which are compatible with low density residential development in terms of size and appearance shall be allowed. The factors cited in paragraph (e) below shall be used when determining the compatibility, design techniques and the size of transitional development areas. The design and layout of adjoining commercial uses shall be oriented to place the section of the development with the least potential negative impacts next to the residential preservation area.

- c) Limitations on existing light industry adjoining residential preservation neighborhoods.

New, expanding or redeveloped light industrial uses adjoining low density residential areas within the residential preservation land use category shall mitigate potential negative impacts by providing a transitional development area between the light industrial uses and the low and medium density residential uses. The factors cited in paragraph (e) below shall be considered when determining compatibility, design techniques and the size of the transitional development area.

The design and layout of adjoining light industrial uses shall be oriented to place the section of the development with the least potential negative impacts in the area next to the existing and/or future low density residential area in the residential preservation land use category. New light industrial land uses shall not be designated next to a residential preservation area.

d) Additional development requirements for allowed community facilities when adjoining low density residential areas, except for cemeteries or religious facilities to be used solely for religious functions. Such development requirements will also apply to ancillary facilities when proposed in conjunction with religious facilities, and are to result in effective visual and sound buffering (either through vegetative buffering or other design techniques) between the community facilities and the adjoining residential preservation area.

e) Land use compatibility with low density residential preservation neighborhoods

A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor. These factors shall also be used to determine the size of transitional development areas.

f) Limitations on Planned Unit Developments in the Residential Preservation land use category.

Planned Unit Developments proposed within the interior of a Residential Preservation designated recorded or unrecorded subdivisions shall be generally consistent with the density of the existing residential development in the recorded or unrecorded subdivision. Parcels abutting arterial roadways and/or major collectors may be permitted to achieve six dwelling units per acre.

The existing predominant development density patterns in Residential Preservation are listed in paragraph (g) below. Within 18 months of adoption, the PUD regulations shall be amended to include provisions addressing the preservation of established residential preservation designated areas. Said provisions shall address any proposed increase in density and the factors cited in paragraph (e) above.

g) Limitations on resubdivision of lots within established Residential Preservation designated areas.

To protect established single family neighborhoods from density intrusions, consistency within the recorded or unrecorded subdivision shall be the primary factor in granting approval for development applications. Consistency for the purposes of this paragraph shall mean that parcels proposed for residential development shall develop consistent with the lot size and density of the recorded or unrecorded subdivision.

1. Guidance on the resubdivision of lots in recorded and unrecorded single family subdivisions shall be provided in the Land Development Code.
2. Parcels proposed for residential development shall develop at densities generally consistent with the density of existing residential development in the recorded or unrecorded subdivision with the exception of parcels abutting arterial and/or major collector roadways which may be permitted up to six dwelling units per acre.

There may be two distinct density patterns in the Residential Preservation land use category as shown below:

Existing land use character of the subdivision	Gross residential density
<u>Homogenous, very low density single family detached units (City Only)</u>	<u>0-3.6 dwelling units per acre (generally consistent with density of the subdivision)</u>
<u>Low density single family detached and/or non-single family detached units (including but not limited to townhomes and duplexes)</u>	<u>0-6.0 dwelling units per acre (generally consistent with density of the subdivision)</u>

This section shall not be construed as to restrict the development of building types allowed by the applicable zoning district.

Complete Text of Comprehensive Plan Policies Referenced in Report

Policy 1.4.5: [L] (REV. EFF. 3/14/07)

The Tallahassee-Leon County Comprehensive Plan, its future land use map and future land use categories as defined within the Plan, the land use summary charts which are intended to be a pictorial representation of existing policies in the comprehensive plan, and land development regulations adopted by local government as provided in the Plan shall in combination provide a unified system for the regulation of land use. Land use regulations shall be consistent with the intended functions, land uses and intensity of the land use category designated on the future land use map.

- (a) Any requested text amendment to the Comprehensive Plan shall be evaluated for consistency with the overall intent of the adopted Goals, Objectives, and Policies of the Plan;
- (b) Any requested amendment to the Future Land Use Map shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the requested future land use category;
- (c) Any request for a change in zoning use classification and specific zoning district mapping within a future land use category shall be evaluated for consistency with the adopted Goals, Objectives, and Policies of the Plan as well as consistency with and the furtherance of the intent of the future land use category in which it is located;
- (d) The determination that a particular land use is permitted within a zoning district shall be made based upon a listing of allowable land uses within a zoning district or that an unlisted land use is substantially similar to allowable uses within the same district.

VISION STATEMENT AND IMPLEMENTATION

(Rev. Effective 7/26/06; Revision Effective 1/7/10)

In the early 1820s, Florida government alternated business between St. Augustine and Pensacola. At that time, travel between the cities was hazardous and the journey long. In 1823, the site of Tallahassee was chosen as the seat of government for the Territory of Florida because of its central location and abundance of natural resources. It was noted then, "A more beautiful country can scarcely be imagined; it is high, rolling, and well watered." In the new capital, commerce expanded and a new school of higher learning was founded. From these historic roots, Tallahassee and Leon County is now the center of Florida's government and respected worldwide for its schools of higher education.

We are fortunate to have retained the natural beauty that inspired the sitting of Florida's state capital. The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County. The comprehensive plan seeks to balance the management of growth with environmental protection but gives precedence to environmental protection.

Evolving land use patterns within the County have exhibited sprawl characteristics. Sprawl is, perhaps, the most inefficient pattern of land use. Costs associated with the provision of both capital and social infrastructure are higher than more compact patterns. This must be taken into consideration when local government is faced with limited fiscal resources and increasing demand for services.

Sprawl encourages degradation of the County's natural resources by prematurely committing vast areas to the impact of urbanization. Phased, orderly growth mitigates this situation by comprehensively addressing development impacts to our natural systems. Leap frog development associated with sprawl is piecemeal in nature and is detrimental to any type of comprehensive framework.

Another aspect of urban sprawl is the tendency toward strip commercial development, i.e., the commercialization along major streets which occurs as infill between sprawled developments. This strip development negatively affects traffic safety and flow, as well as creating aesthetic problems associated with advertising signs. While many of the negative effects of strip development can be controlled to some extent by regulatory means, a more positive approach is to prevent its spread by means of land use policies.

The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens. The plan encourages and supports economically sound residential, educational, employment, cultural, recreational, commercial and industrial opportunities for the citizens. This is facilitated by systematically planning for growth, development and redevelopment.

The natural environment is one of the many criteria which, when combined, form the community's perceived quality of life. The natural environment is a major component in the quality of life equation for Leon County. As such, it must be protected. Development and the ancillary activities associated with it must be channeled into locations that protect the natural and aesthetic environment. Unwise land use decisions which ultimately require expensive environmental retrofitting, paid for by the general populace, must be eliminated. In order to achieve this, it is the intent of this Plan to include strong environmental objectives and policies within the Land Use Element and other applicable portions of the Plan.

The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected. An economic base of stable public employment has fostered development of stable residential neighborhoods. Citizens identify with and value their neighborhoods in all parts of the community and at all income levels. Containing sprawl will necessarily increase density and intensity in the existing urban area. Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the

perception of a constant assault on a neighborhood undermine an otherwise desirable residential environment. Development and its ancillary activities should be channeled into locations that offer the greater opportunity for the higher density and mixture of uses that a policy of urban containment encourages. It is the intent of the plan to maintain the integrity of existing neighborhoods while encouraging new residential developments to incorporate a wider range of non-residential uses.

Essential for planning are objectives and policies that protect and enhance the natural environment, water resources, the canopy roads, and residential neighborhoods. To this end, regulatory tools such as concurrency management, urban service area designation, planned unit developments and special protection zones are used to foster the community's vision. An underlying premise is the linkage between land use and infrastructure. The plan is based on the principle that development should pay for itself and this vision is implemented, in part, through the accomplishment of several strategies described below.

Traditional values within Leon County prohibit the strict implementation of an urban containment strategy. Urban service area demarcations must be located to allow for some degree of large lot, single family subdivisions. In addition, some urban areas located away from the core, such as Chaires, Fort Braden, and Miccosukee, must be provided for. Overall, however, it is the intent of this comprehensive plan to concentrate development in the Tallahassee urban area plus provide for a minimum number of designated areas of urban development.

It is the responsibility of every citizen of Leon County to pay his or her fair share first to achieve and then to maintain the community wide adopted levels of service (LOS) for capital infrastructure and urban services. However, it is not a current resident's responsibility to pay for new developments' fair share costs through subsidization. Thus, in a sense, future development must be self-sufficient.

Existing and new residents should not be bound by minimum level of service standards adopted community wide. The ability to enhance these minimums should be provided for as long as the end user pays for the incurred costs. User fees, special assessments or MSTUs are instruments, which can be used to accomplish this. Furthermore, it should be recognized that congestion can actually be a sign of a healthy urban area, and that automobile congestion can lead to individuals making a modal switch to transit, provided the transit system provides access to common destinations with convenient frequency.

The plan encourages projects and activities that provide significant additional value to the community. This includes supporting development in strategic areas such as the Downtown Overlay, Multimodal Transportation District and Southern Strategy Areas.

The intent of the Southern Strategy is to direct quality development and redevelopment into the area designated as the Southern Strategy area. Success of the Southern Strategy will benefit the entire community in terms of an increased tax base, greater choices for residential and employment opportunities, and other general quality of life factors such as greater availability of shopping, recreation and educational opportunities throughout the community. The focus of this strategy is to make this area of the community a desirable residential location for people of all

incomes. This area contains many assets we strive for in other parts of the community such as close proximity to jobs and downtown, walk-to commercial, neighborhood schools and parks, and affordable housing. Similarly, the Lake Bradford Chain of Lakes, the St. Marks Bike Trail and its extensions, and the proximity of the National Forest make this area important for environmental and recreational reasons. It also contains historic neighborhoods and is in proximity to cultural activities in the community, with museums and nearby concert facilities; educational activities, with two nearby universities and the community college. It contains a great diversity of neighborhoods, housing, and employment close to the urban core. These are the assets that make a true city.

The Downtown Overlay consists primarily of the urban core of the City of Tallahassee and is intended to clearly distinguish the City's Downtown Boundary. This overlay district primarily comprises the Capital Center area, Gaines Street Corridor, and parts of the Southern Strategy Area. The intent of this overlay district is to encourage high density and quality redevelopment as well as remove barriers to achieving the allowable densities within this area.

In order to ensure the long-term viability of our entire community as well as the efficiency of our public and private investments, it is important to protect the housing resources, neighborhoods, and business and commercial districts that make up the Multimodal Transportation District and the Downtown Overlay by adopting strategies which promote neighborhood revitalization, urban infill, homeownership, and redevelopment.

The plan also supports diversification of our local economy, utilizing our highly educated workforce, our two local universities, community college and various technical schools and state government. With approximately 38% of all employment in Tallahassee-Leon County based in the government sector, this community is a reflection of its role as the State Capital and as a center for higher education. This employment structure has long provided a stable and predictable economic base.

This plan recognizes the likely continuation of growth in the State government and university segments of the local economy. A major strength of this aspect of our community is the opportunity that it provides for selective diversification. With a strong economic base, the focus for the future can be to actively seek desirable industries that will have a synergy with existing economic resources, such as job training and research and development activities associated with the universities and other educational entities.

This Plan is based on maintaining the historical growth rate of Leon County. Specifically, Tallahassee-Leon County should continue to grow with an emphasis on selected growth that pays for itself through the provision of well paid jobs and economic leverage factors which enhance the quality of life of the community. The universities and state government, which have been our traditional economic strengths, should be built upon and encouraged to expand. Thus, selected recruitment and continued expansion of the universities and state government should form the nucleus for the continued growth of Leon County.

Our comprehensive plan is a living document, used every day in decisions made by local governments. It is regularly reviewed and amended to ensure that it remains current and consistent with our community vision.

Objective 1.1: [L] (EFF. 7/16/90; REV. EFF. 7/26/06; REV. EFF. 12/24/10)

Direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner. This shall be accomplished in part through the establishment and maintenance of an Urban Service Area (USA) concept. This Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use. An urban service strategy provides for well-managed, orderly growth, which preserves natural resources and promotes fiscal responsibility. The location and size of the USA shall be depicted on the Future Land Use Map and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon; the ability to provide urban infrastructure; and, the presence of environmentally sensitive lands and water bodies, requiring protection from the impacts of urban development.

Policy 1.1.1: [L] (REV. EFF. 7/20/05)

In order to discourage urban sprawl, new development shall be concentrated in the urban service area plus in the Woodville Rural Community future land use category and the rural communities of Capitola, Chaires, Ft. Braden and Miccosukee, as designated on the future land use map.

Policy 1.1.7: [L] (Effective 7/16/90)

Higher density and mixed use development and its ancillary activities shall be channeled into locations which have proper access to the existing transportation system; minimal environmental constraints; sufficient stormwater treatment capacity; compatible existing land use and readily available sewer and water infrastructure.

RESIDENTIAL LAND USE

Objective 2.1: [L] (REV. EFF. 7/20/05)

Enhance the livability of existing neighborhoods and in new neighborhoods provide for future mixed residential areas which will accommodate growth and provide a wide choice of housing types, densities and prices as well as commercial opportunities based on performance criteria. In furtherance of this, maintain a system of land development regulations and ordinances which will facilitate the implementation of the policies adopted in relation to residential land use. These shall include but not be limited to:

- 1) Setback requirements from natural waterbodies and wetlands
- 2) Buffering requirements
- 3) Open space requirements
- 4) Landscape requirements

- 5) Tree protection
- 6) Stormwater management requirements

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 (REV. EFF. 12/15/11; REV. EFF. 7/19/13)

Table 2: Residential
Densities Range

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 1 DU/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	45 DU/AC	No minimum
Activity Center 2, 3	45 DU/AC	No minimum
University Transition 2 ,3	50 DU/AC	No minimum
Central Core 2, 3 (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 4	1 DU/3 AC (standard)	No minimum
Lake Protection 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 Mobility Element Policy 1.1.10 [M] (Eff. 12/15/11; Rev. Eff. 7/19/13)

4 Clustering Option Available

Objective 1.1: [M] (EFF. 12/15/11)

Coordinate transportation and land use systems that foster vibrant communities with compact urban forms and a mixture of uses to minimize travel distances, reduce vehicle miles traveled and greenhouse gases, and to enhance pedestrian and bicycle mobility and transit accessibility.

Policy 2.2.23: [L]

URBAN RESIDENTIAL (EFF. 7/20/05; REV. EFF. 7/26/06; RENUMBERED 3/14/07; REV. EFF. 1/22/16)

The primary intent of the Urban Residential land use category, which is to be applied only within the Urban Services Area, is to encourage medium density (4-10 dwelling units per acre) housing, thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of infrastructure. The implementing zoning district shall contain design standards as well as locational criteria in order to accomplish these goals. The Urban Residential category allows townhouses, single-family detached, two-family, and multiple-family dwelling units as well as community facilities related to residential uses. The implementing zoning district(s) within the land development regulations shall further specify the allowable uses. Urban Residential may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities. The category is not intended to be applied within the interior of an existing neighborhood, unless to correct, legal non-conforming uses and/or densities. The maximum residential density within the Urban Residential is 10 DU/AC and the minimum is 4 DU/AC.

1990 Zoning for Killearn Country Club Amendment Surrounding Areas

Subdivision	1990 Zoning District	Maximum Dwelling Units Allowed Per Acre
Kilrush	RM-2	29.4 units per acre
Kenilwood	RM-2	29.4 units per acre
Country Club Villas	RM-2	29.4 units per acre
Pebble Creek	PUD	4.61 units per acre
Greens of Killearn	RM-1	17.4 units per acre
Kimberton	R-1	3.64 units per acre
Killearn Country Club	A-2 and RM-3	43.6 units per acre (RM-3)

SECTION 10-241 RESIDENTIAL PRESERVATION

ALLOWABLE USES: APPROPRIATE PERMIT LEVEL AND APPLICABLE DEVELOPMENT AND LOCATIONAL STANDARDS

P PERMITTED USE
S SPECIAL EXCEPTION
R RESTRICTED USE

SIC CODE	RESIDENTIAL PRESERVATION - 1 NAME OF USE	LAND USE TYPE				
		LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, One-Family	P				
	(Rooming Houses are prohibited)					
	SERVICES					
821	Elementary and secondary schools				S	
866	Religious Organizations				S	
	RECREATION					
	Hiking and Nature Trails		P			
	Picnicking		P			
	Canoe Trails		P			
	Bicycle Trails		P			
	Horseback Riding Trails		P			
	Tot Lots					
	Court Sports					
	Field Sports					
	PUBLIC ADMINISTRATION					
	Police Protection					
	Fire Protection					
	Public Order and Safety					

LEGEND
LR = LOW DENSITY RESIDENTIAL
PR = PASSIVE RECREATION
AR = ACTIVE RECREATION
CS = COMMUNITY SERVICES
LI = LIGHT INFRASTRUCTURE

DEVELOPMENT TYPE				
RESIDENTIAL PRESERVATION-1	SINGLE FAMILY RESIDENTIAL UNITS	SINGLE FAMILY RESIDENTIAL UNITS CLUSTERED	ACTIVE RECREATION	COMM. SERVICES; ACTIVE REC.; PUBLIC, PRIMARY & SECONDARY SCHOOLS
MINIMUM SETBACKS (FT)				
Front Yard		Perimeter Setback		
Building	25	25	25	25
Parking			20	40
Corner Yard		Perimeter Setback		
Building	20	25	25	25
Parking			20	40
Interior Side Yard		Perimeter Setback		
Building*	10	15	20	20
Parking			20	20
Rear Yard		Perimeter Setback		
Building	25	25	25	30
Parking			20	10
MAXIMUM % OF IMPERVIOUS SURFACE AREA	40	40 (of net area)	10	40
MAX. HEIGHT FEET	35	35	15	35
MIN. LOT AREA (ACRES)	12,100 SQ. FT. AVG OF ALL LOTS CREATED WITH A MINIMUM LOT SIZE OF NO LESS THAN 6,000 SQ. FT.	THE NET DENSITY OF THE PROJECT SITE (CLUSTERED) DEVELOPMENT AND REQUIRED OPEN SPACE) MAY BE NO GREATER THAN 3.6 UNITS PER ACRE		1/2 ACRE
MINIMUM LOT FRONTAGE (FEET)	15	15	15	

SECTION 10-241 RESIDENTIAL PRESERVATION

ALLOWABLE USES: APPROPRIATE PERMIT LEVEL AND APPLICABLE DEVELOPMENT AND LOCATIONAL STANDARDS

P PERMITTED USE

S SPECIAL EXCEPTION

R RESTRICTED USE

SIC CODE	RESIDENTIAL PRESERVATION - 2 NAME OF USE	LAND USE TYPE				
		LR	PR	AR	CS	LI
	RESIDENTIAL					
	Dwelling, One-Family	P				
	Dwelling, Two-Family	P				
	(Rooming Houses are prohibited)					
	Dwelling, 2-Unit Townhouses	P				
	SERVICES					
821	Elementary and secondary schools				S	
866	Religious Organizations				S	
	RECREATION					
	Hiking and Nature Trails		P			
	Picnicking		P			
	Canoe Trails		P			
	Bicycle Trails		P			
	Horseback Riding Trails		P			
	Tot Lots			P		
	Court Sports			R		
	Field Sports			R		
	PUBLIC ADMINISTRATION					
	Police Protection				S	
	Fire Protection				S	
	Public Order and Safety				S	

LEGEND
LR = LOW DENSITY RESIDENTIAL
PR = PASSIVE RECREATION
AR = ACTIVE RECREATION
CS = COMMUNITY SERVICES
LI = LIGHT INFRASTRUCTURE

DEVELOPMENT TYPE				
RESIDENTIAL PRESERVATION-2	SINGLE FAMILY & 2 UNIT-TOWNHOUSE RESIDENTIAL UNITS NON-CLUSTERED	SINGLE FAMILY RESIDENTIAL UNITS CLUSTERED	DUPLEX RESIDENTIAL UNIT NON-CLUSTERED	COMM. SERVICES; ACTIVE REC.; PUBLIC, PRIMARY & SECONDARY SCHOOLS
MINIMUM SETBACKS (FT)				
Front Yard		Perimeter Setback		
Building	15	25	20	25
Parking	—	—	—	20
Corner Yard		Perimeter Setback		
Building	15	25	20	25
Parking	—	—	—	20
Interior Side Yard		Perimeter Setback		
Building*	7.5	15	7.5	20
Parking	—	—	—	20
Rear Yard		Perimeter Setback		
Building	25	25	25	25
Parking	—	—	—	10
MAXIMUM % OF IMPERVIOUS SURFACE AREA	40	40 (of net area)	40	40
MAX. HEIGHT FEET	35	35	35	35
MIN. LOT AREA (ACRES)	7,260 SQ. FT. AVG OF ALL LOTS CREATED WITH A MINIMUM LOT SIZE OF NO LESS THAN 6,000 SQ. FT.	THE NET DENSITY OF THE PROJECT SITE (CLUSTERED) DEVELOPMENT AND REQUIRED OPEN SPACE) MAY BE NO GREATER THAN 3.6 UNITS PER ACRE	14,520 SQ. FT AVG OF ALL LOTS CREATED WITH A MINIMUM LOT SIZE OF NO LESS THAN 7,500 SQ. FT.	1/2 ACRE
MINIMUM LOT FRONTAGE (FEET)	15	15	15	—

* Zero-lot line construction permitted along common wall of townhouse dwelling units.

Section 10-247. R-4 Urban Residential District.

The following applies to the R-4 Urban Residential District:

1. District Intent	PERMITTED USES	
	2. Principal Uses	3. Accessory Uses
<p>The R-4 district is intended to be located in areas designated Urban Residential, Urban Residential 2 or Suburban on the Future Land Use Map of the Comprehensive Plan which contain or are anticipated to contain a wide range of single-family, two-family, and multi-family housing types. The maximum gross density allowed for new residential development in the R-4 district is 10 dwelling units per acre, with a minimum gross density of 4 dwelling units per acre when applied to the urban residential future land use category, unless constraints of concurrency or preservation and/or conservation features preclude the attainment of the minimum densities.</p> <p>R-4 districts are intended to achieve densities consistent with urban development and to promote infill development. Certain community and recreational facilities related to residential uses are also permitted. This district may serve as a transition between low density residential and higher density residential, office development, collector and arterial streets. The district is not intended to be applied within the interior of an existing development. Non-residential uses shall be compatible in scale and design with adjoining residential neighborhoods.</p> <p>Development standards for properties located within the MMTD are established within the Division 4 of this Code.</p>	<p>(1) Community facilities related to residential uses including religious facilities, police/fire stations, and elementary, middle, and high schools. Libraries, vocational, are prohibited. Other community facilities may be allowed in accordance with Section 10-413.</p> <p>(2) Golf courses.</p> <p>(3) Multiple-family dwellings.</p> <p>(4) Nursing homes and other residential care facilities.</p> <p>(5) Passive and active recreational facilities.</p> <p>(6) Rooming houses.</p> <p>(7) Single-family attached dwellings.</p> <p>(8) Single-family detached dwellings.</p> <p>(9) Two-family dwellings.</p> <p>(10) Zero-lot line single-family detached dwellings.</p>	<p>(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Land Use Administrator.</p> <p>(2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Land Use Administrator.</p>

DEVELOPMENT STANDARDS									
Use Category	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
	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	* (Flag lots are prohibited)		(Minimum building area of 35 ft. between front and rear setbacks.)	15 feet	3 feet each side and 6-foot separation between buildings	15 feet	25 feet	not applicable	3 stories
Single-Family Attached Dwellings	* (Flag lots are prohibited)		(Minimum building area of 35 ft. between front and rear setbacks.)	20 feet	not applicable	15 feet	25 feet	maximum length: 8 units	3 stories
Rooming Houses	5,000 square feet	50 feet	100 feet	20 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
Zero-Lot Line Single-Family Detached Dwellings	* (Flag lots are prohibited)		(Minimum building area of 35 ft. between front and rear setbacks.)	15 feet	0 feet one side; 5 feet perimeter side	15 feet	25 feet	not applicable	3 stories
Two-Family Dwellings	* (Flag lots are prohibited)		(Minimum building area of 35 ft. between front and rear setbacks.)	Maximum: 20 feet Minimum: 0 feet	same as for single-family detached dwellings	15 feet	25 feet	not applicable	3 stories

DEVELOPMENT STANDARDS									
	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Multiple-Family Dwellings	10,890 square feet	70 feet	100 feet	Maximum: 20 feet Minimum: 0 feet	15 feet on each side	20 feet	25 feet	not applicable	3 stories
Any Permitted Principal Non-Residential Use	12,000 square feet	80 feet	100 feet	Minimum: 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	10,000 square feet of gross building floor area per acre	3 stories
7. Off-Street Parking Requirements: To further promote the compatibility among permitted residential uses in the R-4 district, off-street parking facilities associated with the construction of new multiple-family dwellings or nursing homes or other residential care facilities shall not be located on the perimeter of the site between a street right-of-way and the proposed buildings. Instead, the off-street parking facilities shall be located on the interior of the site.									
8. Reserved									
9. Lighting Criteria for Non-Residential Uses: Lighting shall be directed toward the interior of the site and away from adjacent properties.									
10. Criteria for Non-Residential Buildings: <ol style="list-style-type: none"> Roofs shall be designed with a minimum pitch of four in 12 (four feet rise per 12 feet of run). Flat roofs are prohibited. Non-residential buildings shall be in character with surrounding area. All exterior walls of new non-residential buildings shall be furnished with the same material. Exterior walls at street frontages shall be 50 percent transparent with clear or lightly tinted glass, or stained glass. Reflective glass is prohibited. Exterior window shading devices such as awnings or canopies are required. Solid waste facilities and mechanical equipment serving non-residential facilities shall be screened with a material consistent with the principle structure. 									
11. Street Vehicular Access Restrictions: Passive recreational uses may front on any classification of street. Active recreation, community facilities (except elementary schools), nursing homes and other residential care facilities are required to have access to a collector or arterial street.									

GENERAL NOTES

* Cannot exceed the maximum density of 10 units per acre.

- 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.
- Refer to chapter 5, environmental management for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
- Refer to chapter 4, concurrency management for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
- For cluster development standards, refer to Section 10-426.

**2017 Comprehensive Plan Amendment Cycle
PCM201702
Killearn Country Club**

General Summary of Public Comments:

- Only viable option to keep the golf course and get a new country club.
- This request is premature. Pending litigations should be resolved before considering a map amendment and rezoning of the golf course. Wait until all legal action is done.
- Approve of Mr. Tucks Plans. Please help us preserve the golf course for the property owners and the integrity of the neighborhood.
- The agreement between the applicant and Killearn Homes Association is non-binding- thus we have no assurance.
- Maintenance of any conservation easement is a concern– who will enforce it?
- Approve the amendment and rezoning. The golf course was here before many of the homes. This is a way to save the golf course and provide a new country club.
- Schools in the area already operating at a deficit.
- Purchased homes with golf course view.
- This would put development in our back yards.
- In favor of the rezoning and map change. Just ensure foot path access to course and facilities.
- The State has required environmental assessments of site going from golf courses to other uses. Would the area be safe for new homes?
- Everyone in Killearn has a right to the golf course.
- The subject site is elevated and stormwater will go downhill to the homes below. I am concerned about flooding.
- Would the setbacks for new homes be the same as the existing homes' setbacks?
- This proposed development could void improvements recently made on major roads in the area.
- Our lifestyles as we know it will no longer exist because of traffic, noise and loss of green space.
- Concerned about the loss of property value and the lack of upkeep of the closed holes.
- Keep as a golf course or just a greens space.
- Sell the property to someone who will keep the golf course.
- Live in the area in a quiet neighborhood with narrow streets. We cannot afford any more traffic for the safety of the children who play outside.
- Purchased home in Killearn because we wished to be on a golf course and also because of the increased value of golf course living.
- The value of all golf course properties will drastically decrease when sections of the course are removed and replaced with multi-family.
- Proposed plan would impact road in Killearn, Centerville Road and Thomasville Road.
- The proposed zoning is land locked with access only to Tyron Pass.

- Members of the country club support Tuck's Plan. Most are not in favor of apartments, but do support single family.
- I am a retired realtor and support Mr. Tucks' Plan. Proposed improvements would only increase the value to the residential community as a whole.
- Joined the country club in the mid 60's. Mr. Tuck's Plan is the only viable option for the club. It is very important for Killearn to have a country club.
- Would like housing with the likeness of Pebble Creek.
- Would like housing similar to the Greens of Killearn.
- People fighting this change are not members of the country club. Please approve change.
- Concerned about tree removal out of drainage areas.
- We walk this area concerned about safety.
- I live in this area and have not experienced a huge traffic problem.
- An issue with stormwater at hole 6.
- Concerned about runoff to the Lakes.
- Money has not been reinvested back into the golf course and country club.
- Nobody played the North Nine. It was an underutilized course before it closed.
- This rezoning would allow 350 homes and the traffic impacts would be enormous.
- Do not approve Site D.
- Home values already impacted by closing of the golf course.
- The residents of Killearn have relied on the current future land use designation.
- No access should be allowed to any proposed development through cul-de-sacs.
- Single family homes would be acceptable, but not apartments.
- This is against the covenant and Florida's Land Use Plan.
- Killearn is a deeded golf course community. All our deeds have restrictions with regard to the golf course.
- Killearn is not a high density neighborhood. Killearn was built to encompass single family homes surrounding lakes, parks and open space/recreation areas.
- Believe the change will be the best for all the residents of Killearn in the long run.
- Own home on the north course and support the rezoning since there is an appropriate buffer on the north end of site E.
- Property values being taken against our will.
- Concerned about the un-kept pond behind my home.



Joint City-County Commission Workshop
2017 Comprehensive Plan Amendment Cycle
Citizen Comments as of February 23, 2017

- 1. PCM201703: Arrowhead Drive**
- 2. PCM201704: City of Tallahassee Electric**
- 3. PCM201707: Thomas Park Subdivision**
- 4. PCM201701: Southside Pit**
- 5. PCM201705: Amelia Circle**
- 6. PCT201708: Old Willis Dairy**
- 7. PCM201702: Killearn Country Club**

Citizens Comments

PCM201703

Arrowhead Drive

Visit the Planning Department website at: www.talgov.com/planning

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the subject site. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street

DEAL
8840 ARROWHEAD DR
TALLAHASSEE FL.
32312

TALLAHASSEE FL 323
06 DEC 2016 - PM 2 L

TALLAHASSEE-LEON PLANNING
ATTN. COMPREHENSIVE PLANNING
300 SOUTH ADAMS STREET
TALLAHASSEE FL 32301

3230181731 0004

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PGM201703

I/We as owner(s) of property at this address: 8840 ARROWHEAD DRIVE wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

No conflict to change
SIGNED: [Signature]

Citizens Comments

PCM201704

City of Tallahassee

Electric

No public comments received

Citizens Comments

PCM201707

Thomas Park

Subdivision

No citizen comments received

Citizens Comments

PCM201701

Southside Pit

NOTICE OF A REQUESTED AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the subject site. A location map and a summary of the request are shown on the reverse side of this notice.

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January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

We will
attend
workshops

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201701

I/We as owner(s) of property at this address: 1416 Dawson Dr FL 32305 wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

DO NOT WANT FLUM To Change to SUB - Sandco is not using Land as UR-2 Has been sand pit for at least 20 yrs

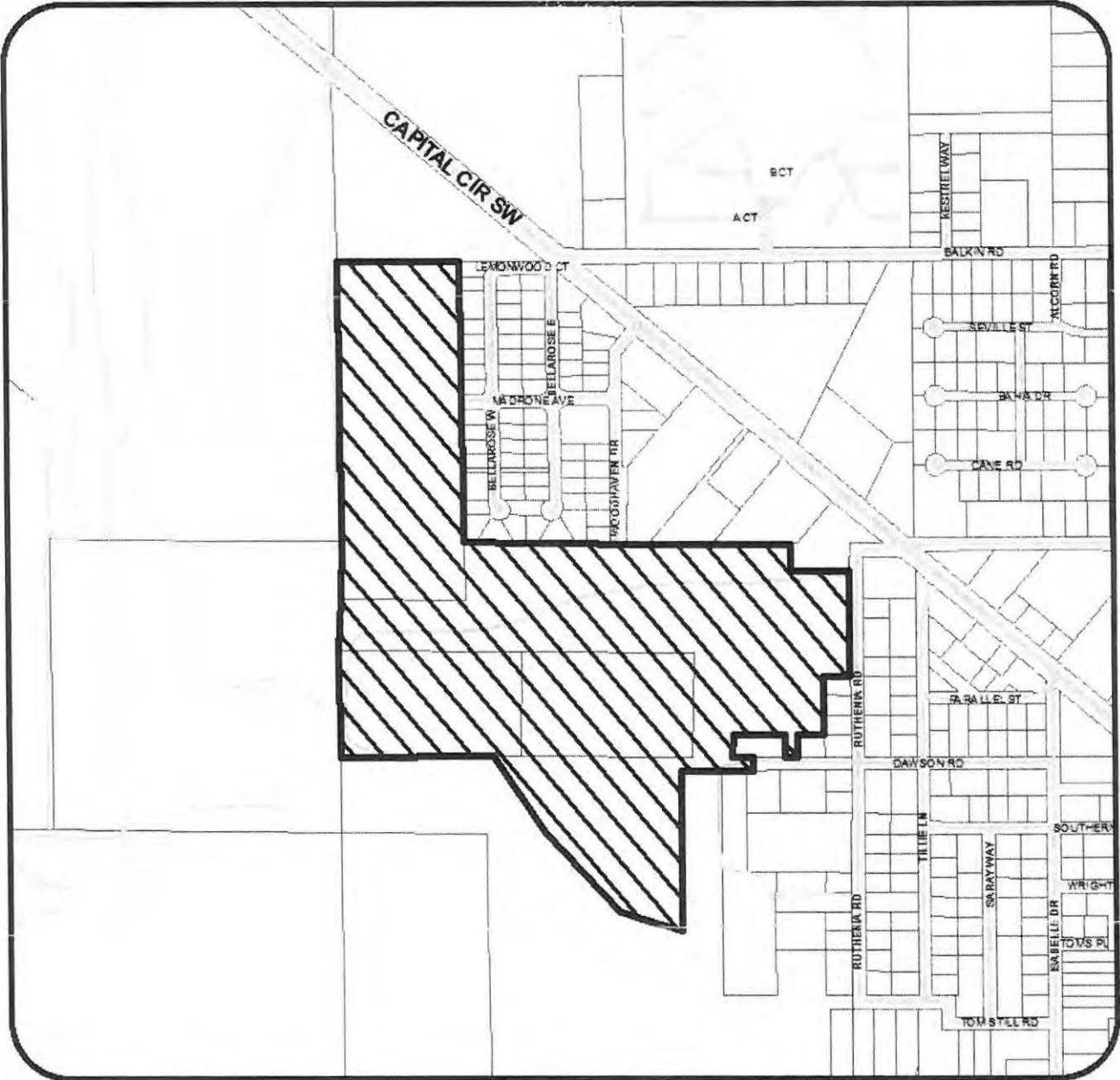
SIGNED: Frederick R Johnson Dulores E Johnson unlawfully

Noise has been horrendous, cannot have windows open when they are working. Have called them about noise and also Sheriff Dept. They have destroyed Land value and possible water contamination

Sometimes they have been working at night Dumping something??

Southside Pit

PCM201701





Fred R & Dolores Johnson
1416 Dawson Dr
Tallahassee, FL 32305

(850) 877-0562

LOCATION MAP

Requested Map Amendment: Southside Pit
Reference Number: PCM201701
Applicant: AG Sandy Properties LLC; Sandco Inc.

The proposed amendment would change the Future Land Use Map (FLUM) designation of the subject site (shown with dark hatched marks on the map) from Urban Residential-2 (UR-2) to Suburban (SUB). The UR-2 designation allows single family homes, townhouses, duplexes, and apartments at a maximum density of 20 units per acre. The SUB designation allows a mix of residential building types with a maximum density of 20 units per acre, commercial, office, community services, passive and active recreation, light industrial, and light infrastructure.

A rezoning will be processed along with this application. The subject site is currently zoned R-1 Single Family Detached District and R-2 Single Family Detached Residential District. The proposed rezoning would change the subject site to M-1 Light Industrial.

Please direct questions regarding this amendment to Steve Hodges.

To view information on this amendment, go to <http://www.talgov.com/planning/> and click on the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar.

Tallahassee City Commission
Growth Management Department

RE: Complaint by Woodhaven Subdivision re: Parcel #4123206220000 (Sandco's Pit)

BACKGROUND: Approximately 8 years ago, a rock crushing machine began operating at the South End of West Bellarose St. The noise has been unbelievable. Imagine listening to a machine that can crush sidewalks, block buildings, and brick to turn them into gravel for 8 – 10 hours each day. Now, imagine this machine operating **150 feet** from your property line. A fine white dust from the crushing covers all homes, plants and vehicles at the south end of West Bellarose Street. The problems have kept mounting.

Dear Sirs:

We, the undersigned, are residents of the Woodhaven Subdivision. Each of us has experienced years of discomfort and danger from this construction site. The problems have escalated to the point where we would like to petition the City Commission and Growth Management of Tallahassee to address and resolve our concerns in a timely manner.

- 1.) **Build an appropriate buffer:** needs to be put in place to control noise and drainage. It is imperative to diminish the extreme noise from rock crushers and other machines that are currently at a dangerous, ear-splitting decibel level.
- 2.) **Stop destruction of existing south buffer** (South of Neighborhood) The many new hillsides created by building materials and soil has created a pathway for runoff to drain into the south side of our neighborhood. We need a buffer substantial enough to stop the runoff and the constant high-level sound.
- 3.) **Build a NEW Buffer** on the **West side** of Subdivision. This is to control additional noise and drainage from the NEW dig site to the West on 4600 and 4500 West Bellarose. We request at least **150 feet** of wooded land to serve as a buffer. (at present: this new site has been temporarily stopped by the City of Tallahassee for Code Violations.) Currently there is **NO** buffer. The extremely loud and continuous noise of the loading, unloading and crushing of rocks has taken away our quality of life in this neighborhood. This rock crushing site has created drainage problems, possible hearing loss and health problems from concrete particles in our air raining down into our yards, homes and lungs as we try to keep breathing. It is also a terrible eyesore and a source of worry for every family who lives in the Woodhaven Subdivision.
- 4.) **Drainage Control:** Run off of storm water, mud, sludge and debris (from a 40-foot mountain of construction material) is compromising our 50' buffer zone and causing this commercial site to drain directly into the Woodhaven Subdivision, rather than follow the south property line to Lake Munson. The hillsides of debris continue to increase on the Southside of our neighborhood and are right up to the buffer zone , feeding the drainage directly into our neighborhood.

We strongly hope that you will help to resolve these problems and **return our quality of life, health, and safety** by addressing the serious concerns of our neighborhood.

Sincerely,

The residents of Woodhaven Subdivision. (Please see signature sheets)

- ① Lawrence Sinferton
Owner of 4532, 4600, 4613
Bellarese ~~St~~ West.
- ② James Egan OWIVER 4628^{West} Bellarese
877-2290
- ③ Janet J. Haver
Owner 4520 W. Bellarese St 322-3775
- ④ MARSHALL E. TATUM
4504 BELLARESE WEST
WEST BELLARESE WEST
TULARESCO, R 32305-5348
(850) 878-2189
(850) 273-1310
- 5 Julie Stange 19, 4517 Bellarese West
I own 10 lots + homes in
Wood Haven Sub. PH-850-459-2411
- 6 Tim Phillips
4629 West Bellarese St - Owner
850-264-3476

JAIME MOSS

OWNER OF 4608 & 4604 W. BELLAROSE ST.
f u ——— PH# 228-1307

Lee Harris

4616 Bellarose West 2 lots

Lee Harris

Brian White } Owners
Althia White-Brown }
4524 E Bellarose St 459-1307
OK

Brian J. White } Owners
Althia M. White-Brown }
4520 E Bellarose St 459-1307
OK

Brian White } Owners
Althia Brown }
4500 W Bellarose St 459-1307
OK

MARGARET WILLIAMS
DANNY WILLIAMS LOT #6
4610 WOODHAVEN DR,
4612 WOODHAVEN DR LOT #5

4609 BELLAROSE E. LOT #7

4612 BELLAROSE E. LOT #17

4610 BELLAROSE E. LOT #18

DANNY AND MARGARET WILLIAMS
WE HAVE THESE LOTS

Danny Williams
Margaret Williams

#H. 8776714

C. 7286917

my name is Eleanor L Wood

I own the following properties:

4509 Bellarose East

4513 Bellarose East

4517 Bellarose East

4601 Bellarose West

ELEANOR L. WOOD

Eleanor L Wood

PH- 877-9523

✓ The members of Woodhaven Subdivision would like to Petition the City Commission and growth management of Tallahassee to assist with the below concerns of this Community:

1 ✓ More of a buffer from the extreme Noise from this very large Work Sight

2 ✓ Control of ^{Drainage} drainage from the ever increasing hillsides being added to the South Side of our Neighborhood

3 ✓ Stop the destruction of the existing Buffer to the South of the Neighborhood.

4 ✓ A new Buffer needs to Be Created to Control Noise & drainage from the New dig Sight to the West of our homes on 4600 & 4500 West Bellarose St. at least (150 ft) of Woods
The new sight has Been Stopped by the City of Tallahassee for Code Violations

5

Drainage / Noise Concern
X → ~~Drainage Concern~~ ~~Noise~~

Runoff from the hillsides created by building materials and soil has created a ~~new~~ pathway into the south side of our neighborhood. South side of neighborhood needs ~~a~~ a buffer to stop the ~~runoff~~ runoff and sound. Currently there is no buffer and our neighborhood is consistently subjected to the loud noise of the loading, unloading, and crushing of rocks at this site.

6

Approx 8 yrs ago a Rock Crushing machine began operating at the ~~end~~ South End of ~~the~~ West Bellarose St. The noise is (was) unbelievable.

If you can imagine a machine that can crush sidewalks, Block Buildings & Brick and turn them to gravel, 8-10 hrs a day, about 150 feet from ^(Neighborhood Prop Lines) your property line this operation also caused a fine white dust that covered all homes plants and vehicles at the South end of West Bellarose St. I hope this problem can be addressed.

SEAN - This is from my neighbor
Assoc but it include Southside
and ride

Fwd: Noise ordinance
Sent By: **Sent By Grant Gelhardt** On: Oct 10/24/15 11:20 PM
Bcc: Bcc lightlee@comcast.net

grant
gelhardt

Message

Re Sound Ordinance

to the neighborhood
the city is considering a noise ordinance
it was not perfect but it was going in the right direction - out of nowhere they are
proposing a major changes to the ordinance to weaken the ordinance - please email or
call the city asking them to enact a strong ordinance and not weaken the ordinance - or
you can attend the city commission meeting on Oct 28 where they will be discussing the
ordinance - see the following email for more information

----- Forwarded message -----
From: **Mary Frederick** <marycfrederick@aol.com>
Date: Sat, Oct 24, 2015 at 12:57 PM
Subject: Noise ordinance meeting on Sunday!

Sean - This is
happening on
Wed 10/28 @ 2pm
re: sound ordinance
which includes
Southside of town

Good morning,

You are invited to a noise ordinance meeting at Peter Stone's home at 1043 Rowell Drive tomorrow at 2 pm to discuss strategy for a united front for the City Commission meeting on Oct. 28. If you have any questions about the meeting, email Peter: stonearch99@yahoo.com

As you probably know, City Commissioners have released a new draft ordinance:

- The "Special Entertainment Areas" are back--but now rebranded as "Mixed Use Areas" and cover vast areas of the city--esp. Southside. This is a disservice to Southside.
- It was developed with no input from the stakeholders' group formed by the City to help craft the ordinance.
- Allows decibel limits for residential limits in the neighborhoods that are too high
- Max dB levels were INCREASED in the Mixed Use Areas; from 55 dB (normal conversation) to 65 dB (vacuum cleaner)
- Every 10 decibel increase is perceived by the human ear as a DOUBLING in sound

Please engage your friends from all over the city to WRITE or CALL (891-8181) city commissioners.

Look at
what the
Commissioner's
have done
here;



Attachment 4
Page 17 of 795
Jamie 288-307
Lawrence-322-2864

City Inspector
Jimmy Lee (Boss)
891 7169

James Payne
933-0097
891-7043

Sandoz
Carlton Jackson
6941-2387

Calhoun, Sherri

From: adrien.mariner@gmail.com
Sent: Thursday, November 17, 2016 5:28 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Peter
- **Last Name:** Mariner
- **Street Address:** 1313 Tom Still Rd
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32305
- **Email Address:** adrien.mariner@gmail.com
- **Comments:** Regarding the Requested Amendment #PCM201701, Southside Pit, I want to urge The Local Planning Agency and County/City Planning Agency to reject this request. The Sandco Southside Pit has had a negative impact on this residential neighborhood for years. The only access/egress to this property is via Ruthenia Rd. which is a 2 lane residential street with no sidewalks. Local residential use of this street includes pedestrian and bicycle traffic by children and adults. The dump trucks traffic in and out of the facility pose a significant safety hazard to residents of the neighborhood. This area is immediately adjacent to environmentally sensitive property and Lake Munson. The continued operation of a landfill / borrow pit by itself causes ongoing damage to the surrounding properties and neighborhood. By granting a future land use designation that is more intensive the damage will be magnified and will continue to suppress the values of the surrounding properties. It should also be noted that from a property tax perspective that the current assessed value of the subject property is \$210,000 for 77.87 acres or less than \$2,700 per acre. The residential properties adjacent to the subject property are assessed in the range of \$30,000 - \$48,000 per acre exclusive of improvements. The property owners adjacent to the subject property on Ruthenia Rd have been saddled with an unfair share of the property taxes for this area while they have also born the costs associated with lower property market values that can be directly attributed to the presence and nature of the operations at the subject property. The owners of the subject property have not made any significant effort to minimize their impact on the neighborhood. This statement sent by Wyatt Hendricks, I Peter Mariner completely agree with, and I frequently am woken up by dump truck noises early in the morning and hear that throughout the day. My partner-Alicia Weiss- and I own multiple properties close to this borrow pit and pay taxes far in excess of SANDCO's present designated land use. To allow any additional uses makes no sense to me as a tax paying citizen of Leon county.

Calhoun, Sherri

From: whendricks@avtechmed.com
Sent: Tuesday, November 15, 2016 11:32 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Wyatt
- **Last Name:** Hendricks
- **Street Address:** 1357 Tom Still Rd
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32305
- **Email Address:** whendricks@avtechmed.com
- **Comments:** Regarding the Requested Amendment #PCM201701, Southside Pit, I want to urge The Local Planning Agency and County/City Planning Agency to reject this request. The Sandco Southside Pit has had a negative impact on this residential neighborhood for years. The only access/egress to this property is via Ruthenia Rd. which is a 2 lane residential street with no sidewalks. Local residential use of this street includes pedestrian and bicycle traffic by children and adults. The dump trucks traffic in and out of the facility pose a significant safety hazard to residents of the neighborhood. This area is immediately adjacent to environmentally sensitive property and Lake Munson. The continued operation of a landfill / borrow pit by itself causes ongoing damage to the surrounding properties and neighborhood. By granting a future land use designation that is more intensive the damage will be magnified and will continue to suppress the values of the surrounding properties. It should also be noted that from a property tax perspective that the current assessed value of the subject property is \$210,000 for 77.87 acres or less than \$2,700 per acre. The residential properties adjacent to the subject property are assessed in the range of \$30,000 - \$48,000 per acre exclusive of improvements. The property owners adjacent to the subject property on Ruthenia Rd have been saddled with an unfair share of the property taxes for this area while they have also born the costs associated with lower property market values that can be directly attributed to the presence and nature of the operations at the subject property. The owners of the subject property have not made any significant effort to minimize their impact on the neighborhood. Respectfully submitted, Wyatt Hendricks 1357 Tom Still Rd.

December 14, 2016

Steven Hodges
County and City Commissioners
Frenchtown Renaissance Center
435 N. Macomb Street
Tallahassee, Fl. 32301

RE: Map Amendment PCM 201701 Southside Pit

Dear Mr. Hodges and Commissioners;

It has come to our attention that AG Sandy Properties LLC; Sandco Inc. has proposed an amendment that would change the Future Land Use Map (Flum) from Urban Residential-2 (UR-2) to Suburban (SUB).

UR-2) single family homes, townhouses, duplexes, apartments at a max density of 20 units per acre

SUB) Mix of residential building types with a max density of 20 units per acre, commercial, office, community services, passive and active recreation, light industrial, and light infrastructure

Nobody in this neighborhood is happy about living so close to a Sandpit and all its operations. We do not want to see the operations of the Sandpit expand, which is what will happen if this amendment passes. Do not change Land Use Map. In fact it would be nice to see the land go back to a Forrest and Sandco go somewhere else in Tallahassee. The neighborhood surrounding this Sandpit operation has endured conditions that are not conducive to a normal residential atmosphere. Some of the many grievances are as follows. Number one is the amount and volume of the noise which is transmitted from the Sandpit site. Some days the noise is so constant and loud it has been reported to the law for disturbing the peace. The noise does prevent a resident from leaving windows open. Some residents have installed special insulated windows to keep the noise from entering the household environment. The hours of operation of the Sandpit are sometimes questionable; making residents endure these conditions very early in the day, on weekends and sometimes even at night. Some swimming pools have been damaged from blowing sand and the blasting. Some residents have had to cover and repair their pools at an expense. Many residents have wells for their water and worry what hazardous elements have been buried in the ground that may contaminate their drinking water. Sandco has in the past been cited for this and fined. The presence of the Sandpit Operations has an effect on the actual land value of the sandpit area itself as well as surrounding properties. The Sandpit Operation is a factor when a resident is trying to sell their property. This is just some of the grievances.

We hope The Local Planning Agency, City Commission, and Board of County Commissioners will find a solution that will benefit the residents that surround the Southside Pit as well as Sandy Properties/Sandco.

SIGNATURES BELOW OF RESIDENTS

Fred and Dolores Johnson
1416 Dawson Rd Tallahassee, FL 32305
Fred Johnson Dolores E Johnson

Barbara Oldfield
4835 Ruthenia Rd

Shelvin Wells
4711 Ruthenia Rd

Robert A McEliff
1404 Dawson rd

~~Shelvin McEliff~~
1404 Dawson rd
Tallahassee, Fl. 32303

Ola McEliff
1404 Dawson Rd.
Tallahassee, Fl 32303

SIGNATURES BELOW OF RESIDENTS

Eric R. Bandy

1425 Dawson Dr.

William Brooks

4826 Ruthenia Road

Howard McNeil

4709 Ruthenia Rd

Valeria McNeill

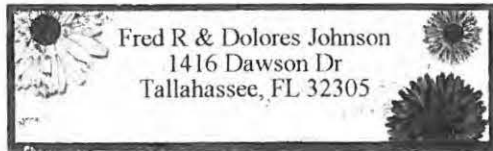
4977 Tillie Ln

Mrs. Ageel

4830 Ruthenia Rd.

Mr & Mrs. C.R. Lambert

5000 Ruthenia Rd.



TALLAHASSEE FL 323

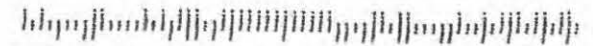
19 DEC 2016 PM 3 L



Planning

Steven Hodges
Frenchtown Renaissance Center
435 N. Macomb Street
Tallahassee, Florida 32301

32301\$1050



From: lilithsun@gmail.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Saturday, January 28, 2017 11:47:48 PM

- **Amendment:** PCM201701 Map
- **First Name:** Alison
- **Last Name:** Schardl
- **Street Address:** 1120 Hemlock St.
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32301
- **Email Address:** lilithsun@gmail.com
- **Comments:** I am opposed to the rezoning and sale of the 9.7 acres of Myers Park where the city owned Parks, Recreation, and Neighborhood Affairs office is for the development of multi-family housing. My husband and I love the character of this neighborhood, and are concerned about how this will affect the neighborhood and our neighborhood, which is adjacent. Thank you for considering our concerns on this matter.

Citizens Comments

PCM201705

Amelia Circle

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Thursday, February 02, 2017 8:41:16 AM

From: nolarosebud@comcast.net [mailto:nolarosebud@comcast.net]
Sent: Thursday, February 02, 2017 8:05 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201705
Name: Sherry Anderson
Street Address: 2321 Amelia Circle
City: Tallahassee
State: FL
Zip: 32304
Email Address: nolarosebud@comcast.net

Comments: Our neighborhood may be the only one left along Tennessee St. We've seen more and more retail, offices, and apartments grow up around us. Our neighborhood is called "Residential PRESERVATION" for a reason. If you allow the edges of the neighborhood to change to Suburban, we will have more traffic, less trees, and it's just a matter of time before our property values fall along with our neighborhood. And I fear that other property owners near the edge will also follow suit until our homes are no longer the hidden sanctuary they currently are. I love my neighborhood and brought a 1950s house back to life after it had been abandoned and left to deteriorate. This little neighborhood is a bit of an oasis in a sea of chaos that is Tennessee St. Some of my neighbors grew up in their houses and have been there for decades. Please do not allow the commercialization to eat away at our tiny but lovely neighborhood. We already have to contend with terrible traffic going in/out of the Circle, no traffic lights, and it is very dangerous. I beg you to keep our neighborhood intact. Sincerely, Sherry Anderson

Citizens Comments

PCM201708

Old Willis Dairy

From: [Christesen, Julie](#)
To: [Calhoun, Sherri](#)
Subject: FW: The Old Willis Dairy
Date: Wednesday, January 25, 2017 11:02:19 AM
Attachments: [Betton Oaks Subdivision Covenants.pdf](#)
[ATT00001.txt](#)

For the record.

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

From: Bert Thornton [<mailto:thornton3@comcast.net>]
Sent: Wednesday, January 25, 2017 10:35 AM
To: Christesen, Julie
Subject: The Old Willis Dairy

Good Morning Julie, One of the first residents of Betton Oaks Subdivision (attached) found his copy of the restrictive covenants for Betton Oaks! Not sure what part of The Old Willis Dairy is included in the legal description but it shows Mr Ed Willis (Franks Father) developed the Willis Dairy for residential use only!

Your help is Appreciated!!
Albert Thornton

RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, That WILLIS BUILDERS, INC., a corporation organized and existing under the laws of the State of Florida, is owner in fee simple of the Lands lying and being in Leon County, Florida, platted as BETTON OAKS, UNIT NO. 2, and more particularly described as follows:

Begin at the Northeast corner of the Northwest quarter of Section 29, Township 1 North, Range 1 East, Leon County, Florida and run North 00 degrees 21 minutes 37 seconds West along the East boundary of the Southwest quarter of Section 20, Township 1 North, Range 1 East, Leon County, Florida a distance of 193.41 feet, thence North 00 degrees 34 minutes 29 seconds West 204.59 feet thence North 07 degrees 29 minutes 34 seconds West 60.44 feet, thence North 15 degrees 25 minutes 36 seconds East 208.06 feet run thence North 89 degrees 25 minutes 31 seconds East 173.72 feet, run thence North 01 degree 20 minutes 02 seconds West 200.02 feet, run thence North 51 degrees 23 minutes 16 seconds West 61.10 feet to the Southeasterly boundary of Betton Oaks Unit No. 1 a subdivision as per map or plat thereof recorded in Plat Book 7, on page 41 of the Public Records of Leon County Florida run thence South 48 degrees 12 minutes West along said Southeasterly boundary a distance of 321.71 feet run thence South 56 degrees 52 minutes West along said Southeasterly boundary a distance of 602.94 feet to the most southerly corner of Lot 12, Block "C" of said Betton Oaks Unit No. 1, run thence North 31 degrees 48 minutes West along the Southwesterly boundary of said Lot 12, Block "C", and a projection thereof a distance of 180.03 feet, to the Northwesterly right-of-way boundary of Goodwood Drive, thence South 56 degrees 52 minutes West along the Northwesterly right-of-way boundary of the proposed extension of said Goodwood Drive a distance of 68.49 feet to a point of curve to the left, thence along said curve with a radius of 260.00 feet, through a central angle of 24 degrees 14 minutes 26 seconds, for an arc distance of 110.00 feet thence run North 67 Degrees 39 minutes 50 seconds West 188.34 feet, thence South 00 degrees 48 minutes 38 seconds East 160.07 feet, thence South 00 degrees 57 minutes 14 seconds East 688.47 feet, thence North 88 degrees 14 minutes 47 seconds East 971.50 feet, thence North 00 degrees 21 minutes 37 seconds West along the East boundary of the Northwest quarter of said Section 29 a distance of 355.00 feet to the point of beginning; containing 20.46 acres more or less.

WITNESSETH:

THAT, WHEREAS it is to the interest, benefit and advantage of WILLIS BUILDERS, INC. and to each and every person who shall hereafter purchase any lot in said subdivision that certain protective

RECORDED IN THE PUBLIC
RECORDS OF LEON COUNTY
IN THE BOOK & PAGE IND.
JUL 17 1 26 PM 1919
AT THE TIME & DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

933 PAGE 2322

covenants governing and regulating the use and occupancy of the same shall be established, set forth and declared to be covenants running with the land.

NOW, THEREFORE, WILLIS BUILDERS, INC. does hereby set up, establish, promulgate and declare the following restrictions to apply to all of said lots and to all persons owning said lots, or any of them, hereafter; these restrictions shall become effective immediately and run with the land and shall be binding upon all persons deraining title through WILLIS BUILDERS, INC. during the lifetime of these restrictions.

LAND USE AND BUILDING TYPE

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

ARCHITECTURAL CONTROL

No building shall be erected, placed or altered on any lot until the construction plans and specifications and plan showing the location of the structure have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line without being similarly approved.

DWELLING COST, QUALITY AND SIZE

No dwelling shall be permitted on any lot unless the ground floor area of the main structure, exclusive of one-story open porches and garages, shall contain at least 1200 square feet a one-story dwelling, exclusive of carport, garage, open porches, etc., and at least 600 square feet for a dwelling of more than one-

story.

BUILDING LOCATION

No building shall be located on any lot nearer than 25 feet to the front lot line, or nearer than 15 feet to any side street line. No building shall be located nearer than 7½ feet or any combination of setbacks on each side that equals at least 15 feet, provided that no such setback shall be less than 5 feet to an interior lot line. No dwelling shall be located on any interior lot nearer than 30 feet to the rear lot line. For the purposes of this covenant, eaves, steps, carports and open porches shall not be considered as a part of a building; provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

LOT AREA AND WIDTH

No dwelling shall be erected or placed on any lot having a width of less than 60 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 8,500 square feet.

WAIVER

The architectural control committee shall have power and authority to waive such violations of building line and lot restrictions as it in its sole discretion deems reasonable and proper.

EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the plat and over the rear five feet of each lot.

TEMPORARY STRUCTURES

No structure of a temporary character, trailer, tent, basement, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

SIGNS

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property during construction and sales period.

OIL AND MINING OPERATIONS

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

LIVESTOCK AND POULTRY

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clear and sanitary condition.

SIGHT DISTANCE AT INTERSECTIONS

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. No fence shall be erected nearer the front lot line than the front of the dwelling situated thereon.

ARCHITECTURAL CONTROL COMMITTEE

Membership. The architectural control committee is composed of the officers of WILLIS BUILDERS, INC., or its successor in

interest, which shall consist of at least the president and one other officer. The committee may designate a representative to act for it. In the event of the death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative, shall be entitled to any compensation for service performed pursuant to this covenant. At any time, the then recorded owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee to withdraw from the committee or restore to it any of its powers and duties.

Procedure. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative fails to approve or disapprove within 30 days after the plans and specifications have been submitted to it, or any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

TERM

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

ENFORCEMENT

Enforcement shall be by proceedings at law or inequity against any person or persons violating or attempting to violate any covenant either to restrain violating or to recover damages.

SEVERABILITY

Invalidating of any one of these covenants by judgment or court order shall in no way affect any of the ^{other} provisions which shall remain in full force and effect.


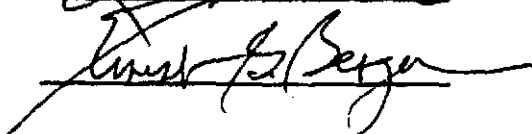
933 PAGE 2325

IN WITNESS WHEREOF, the said WILLIS BUILDERS, INC. has caused these presents to be executed at Tallahassee, Florida, by its duly authorized officer and its corporate seal to be hereunto affixed on this the 17th day of July, 1979.

WILLIS BUILDERS, INC.

By: 
President.

Witnesses:

The foregoing instrument was acknowledged before me this 17th day of July 1979.

Paul F. Hartsfield, Clerk Circuit Court

By  Deputy Clerk

From: [Christesen, Julie](#)
To: [Calhoun, Sherri](#)
Subject: FW: The Old Willis Dairy
Date: Wednesday, January 25, 2017 11:02:26 AM

For the record.

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

From: Bert Thornton [<mailto:thornton3@comcast.net>]
Sent: Wednesday, January 25, 2017 10:58 AM
To: Christesen, Julie
Subject: The Old Willis Dairy

Julie, on the Leon County Property Appraiser web site it shows Lot 13 Block B and Lot 12 Block B is part of the Betton Oaks subdivision! That's the paved parking lot for The Old Willis Dairy!!!

Sent from my iPhone

January 25, 2017

Hi Julie,

It was nice talking with you. Enclosed please find the Timeline for the business operations for this site for the past 80 years. We have included Responses to Neighbor Concerns on parking, traffic, noise & buffering. Please include these documents in your report for upcoming rezoning for Old Willis Dairy.

Please forward copy of this to all who need it.

Thank you,

Peper and Frank Willis
850-322-1293
Old Willis Dairy
1609 Centerville Rd
Tallahassee, Fl. 32308
frankwillis@earthlink.net

TIMELINE

1937 – 1973

Willis Dairy – milk processing plant; office; retail drive through store (6,000 sf)

1973 – 2005

Willis Builders Inc. and Willis Land Company

Office, warehouse, woodshop, outdoor material storage. (6,000 sf)

Broker, Builder

2005 - 2015

Frank Willis Builder LLC

Office, warehouse, woodshop, outdoor material storage. (6,000 sf)

Broker, Builder

2015 - 2017

Old Willis Dairy

Wedding venue

RESOLUTIONS – NEIGHBOR'S CONCERNS

PARKING

Old Willis Dairy Rental Agreement only allows 45 vehicles in parking lot & 3 vendor parking spaces behind the barn. We have parking for additional 10 vehicles along the right-of-way on Goodwood Drive on our side of the road. Our parking attendant will instruct attendees that they are not allowed to park on any other locations along Goodwood Drive. OWD requires a Sheriff Deputy at the entrance for any event over 125 guests. Parking along the right-of-way by our neighbors on the neighborhood streets is a common occurrence for birthday parties, football parties, etc. Lawn maintenance companies park in the street blocking one lane of traffic on a daily basis.

TRAFFIC ENTERING NEIGHBORHOOD

For 32 years, when property operated as Willis Builders Inc. and Willis Land Company, there were well over average 125 vehicles entering and exiting onto Goodwood Drive a day– 7 days a week / 24 hours a day, as clients came to sign contracts, pay rent in a 24-hr dropbox, etc.

NOISE CONCERNS

Old Willis Dairy Rental Agreement does not allow any music that exceeds the City of Tallahassee Noise Ordinance. In the past, we have had one wedding that hired a 5 piece country rock band that played too loud (even after several requests to turn it down. That resulted in a visit from the Police, but no action was taken because the band stopped at 10:00 pm. We will not have that band back!! In the future, OWD will determine the type of music that will be allowed at each event. We require music that is appropriate for the size of the venue. We will no longer allow amplified music outside of the barn. We feel the City of Tallahassee Noise Ordinance will allow us to maintain the appropriate sound levels.

Old Willis Dairy has hosted 51 events in the past 2 years and have never received any complaints from our neighbors. We live on site and are available most days to discuss any problems.

BUFFERING

Old Willis Dairy is wrapped on 3 sides with mature landscape buffers that exceed the requirements for OR zoning. Along all contiguous residential lot lines there is a 6' tall privacy fence that provides 100% opacity. To the East of OWD is one of the denser residential housing uses (2-story townhouses). To the West is Commercial Medical (Suburban). To the South is 4 single family residential across Goodwood Drive. The buffer and cow fence on the south provides 90% opacity. To the North, we border Centerville Road, a heavily traveled Canopy Rd. with a 200' protection zone. The nearest house is over 100' away from the center line of Centerville Rd. We have mature landscape and fences that block the view of Centerville from our barn.

Search E-File Downloads Forms Address Change FAQ General Info About Us

Parcel: 1120206050000
Owner: WILLIS FRANKLIN EDWARD III LIVING TRUST
Leon County Property Appraiser

Property Use: 1200 - MIXED USE, STORE/OFFICE/RESI
1611 CENTERVILLE RD

The Tax Roll is compiled by the Legal Descriptions as recorded in the Public Records of Leon County. Location addresses are not used in the preparation of the Tax Roll. They should not be used for title searches or preparation of legal documents.

Parcel Information

Parcel ID: 1120206050000
Owner(s): WILLIS FRANKLIN EDWARD III LIVING TRUST
FRANKLIN EDWARD WILLIS III TRUSTEE
Mailing Addr: 1609 CENTERVILLE RD
TALLAHASSEE FL 32308

Tax District: 1 - CITY
Legal Desc: 20 1N 1E 1.05 A
IN SE 1/4 OF SW 1/4
DB 264/338 OR 518/508 518/512 3761/1167(UT W/ 604)

Parent Parcel:
Acreage: 1.050
Subdivision: NOT IN SUBDIVISION
Property Use: 1200 - MIXED USE, STORE/OFFICE/RESI
Bldg Count: 1

Location: 1611 CENTERVILLE RD
Location (Street) Addresses are provided by City Growth Management 850-891-7001 (option 3), and County DSEM 850-606-1300

Sales Information

Sale Date	Sale Price	Book/Page	Instrument Type	Improved / Vacant
09/28/2006	\$100	3589/905	Warranty Deed	Improved
10/14/2003	\$60,000	2981/1064	Warranty Deed	Improved

Certified Value Detail

Tax Year	Land Value	Improvement Value	Total Market Value	SOH Differential	Classified Use	Homestead
2016	\$70,000	\$107,331	\$177,331	\$0	\$0	2016 - No

Certified Taxable Values

Tax Year	Taxing Authority	Rate	Market	Assessed	Exempt	Taxable
2016	Leon County	8.31440	\$177,331	\$171,549	\$0	\$171,549
	Leon County - Emergency Medical Service	0.50000	\$177,331	\$171,549	\$0	\$171,549
	School - State Law	4.60200	\$177,331	\$177,331	\$0	\$177,331
	School - Local Board	2.24800	\$177,331	\$177,331	\$0	\$177,331
	City of Tallahassee	4.10000	\$177,331	\$171,549	\$0	\$171,549
	NW FL Water Management	0.03660	\$177,331	\$171,549	\$0	\$171,549

Building Summary

Tax Year	Card	Bldgs Building Use	Building Type	Yr Built	Base SqFt	Auxiliary SqFt
2016	1	1 Commercial	440 - Light Manufacturing	2009	2,176	1,290
Total:		1			2,176	1,290

Quick Links

County Links
[Leon County Tax Collector](#)
[Permits Online \(City / County\)](#)
[Property Info Sheet](#)

County Map Links
[Land Information \(New\)](#)
 (Contains FEMA, Zoning, Fire Hydrant, etc.)
[Flood Zone \(FEMA\)](#)
[Zoning Map](#)
[Fire Hydrant Map](#)
[More TLCGIS Maps](#)

Other Map Links
[Google Map](#)
[Bing](#)
[Old Map](#)

Monday - Friday
[Google Map](#)





Contact Us
 Phone: (850) 606-6200
 Fax: (850) 606-6201
 Email: admin@leonpa.org

Mailing Address
 PO Box 1750
 Tallahassee, FL 32302-1750

Site Links
[About Us](#)
[FAQ](#)
[Forms](#)

This is from Leon County Property Appraiser office showing Old Willis Dairy is currently PROPERTY USE: 1200- MIXED USE, STORE/OFFICE/RESIDENTIAL AND THAT THE BLDG USE IS COMMERCIAL 440-LIGHT MANUFACTURING.

This shows that we are paying for Commercial Stormwater and Fire Service for the barn – Old Willis Dairy.

City of Tallahassee
Your Own Utilities™

Billing Date: April 18, 2016
Account Number: 5650347142
Customer Name: Franklin E Willis III

Page 1 of 2

Change AC air filters monthly. Dusty air filters will make your air conditioner work longer and harder to maintain the set temperature. Visit Talgov.com/YOU for other valuable tips and programs.

Account Summary as of April 18, 2016
 Previous Balance 257.12
 Payment Received -257.12
 Current Charges and Adjustments 244.48
Total Amount Due \$244.48

Service Address: 1609 Centerville Rd BARN, Tallahassee, FL 32308 (City)

Electric General Svc – Non Dmd Historical Consumption

Month	KWH	Month	KWH	Month	KWH
Apr-16	312	Nov-15	132	Jul-15	139
Mar-16	826	Oct-15	125	Jun-15	87
Feb-16	1351	Sep-15	126	May-15	220
Jan-16	445	Aug-15	161	Apr-15	294
Dec-15	309				

Electric General Svc – Non Dmd

Service from 3/16/2016 – 4/14/2016 **\$44.20**

Meter No	Curr Read	Prev Read	Billed Usage
E164914	25999	25687	312 KWH

▲ **Stormwater – Non Residential** **\$53.27**

▲ **Fire Service – Commercial/Ind** **\$4.66**

Total Charges for Service Address \$102.13

pd 4/26/16
#1037

From: [Christesen, Julie](#)
To: [Calhoun, Sherri](#)
Subject: FW: The Old Willis Dairy
Date: Friday, January 27, 2017 7:53:37 AM

For the record.

Thanks!

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

From: Bert Thornton [<mailto:thornton3@comcast.net>]
Sent: Thursday, January 26, 2017 3:25 PM
To: Christesen, Julie
Subject: The Old Willis Dairy

Good Afternoon Julie, After studying the Leon County Property Appraiser web site there are three Betton Oaks plotted lots within the rezoning request!!
Your help is Appreciated!
Albert Thornton

Sent from my iPhone

The 2008 Tallahassee/Leon County Historic Preservation Awards
Sponsored by The Florida Heritage Foundation, Inc. and The Tallahassee Trust for Preservation,
Inc.

Hays-Hood House

Florida Trust for Historic Preservation, Inc.

MASTER CRAFTSMANSHIP AWARD

Recognizing exceptional craftsmanship on the restoration of the Florida Trust's new headquarters
building – the historic Hays-Hood House in Tallahassee

Frank Willis, Frank Willis Builder, LLC

~~~~~  
Florida Trust for Historic Preservation, Inc.  
This award is in recognition of the significant achievement  
In the preservation of Florida's rich Heritage.

FLORIDA PRESERVATION AWARD  
2009

WILLIS BARN at the Historic Willis Dairy  
Tallahassee  
Frank Willis Builder, LLC

**In Recognition of Meritorious Achievement  
In the Field of Infill Design**

~~~~~  
2011 TALLAHASSEE/LEON COUNTY
HISTORIC PRESERVATION AWARDS
Outstanding Achievement in the Stewardship Category

On behalf of the Florida Heritage Foundation and the Tallahassee Trust for Historic Preservation,
we are pleased to inform you that
Emma Kate's Place at the Old Willis Dairy was recognized by the jury of the 2011
Tallahassee/Leon County Historic Preservation Awards. The project will receive an
award for outstanding achievement in the Stewardship category.

~~~~~  
2012 FLORIDA TRUST FOR HISTORIC PRESEVATION  
**MASTER CRAFTSMAN AWARD**  
**Frank Willis**

For your use of traditional techniques and construction methods to authentically restore  
Historic buildings. Your unique woodworking skills and attention to detail are both  
Artistic and rare in today's construction industry.

Huffman Associates / **Studio for Architecture**

March 5, 2009

Statewide Preservation Awards Coordinator  
The Florida Trust for Historic Preservation, Inc.  
906 East Park Avenue, Tallahassee, FL 32301

**RE:** Nomination for The Willis Barn at the Historic Willis Dairy,  
1609 Centerville Road, Tallahassee, Florida  
The Florida Trust for Historic Preservation Statewide Awards - **Infill**

**Category**

Dear Review Committee,

I am pleased to support this project for an infill award. The Willis Barn is a new structure that forms a part of the Willis Campus. It is the most recent building completed in the adaptive reuse of the historic Willis Dairy compound. The "Village Campus" is the home of Frank and Peper Willis and includes the original house (built in 1907 - currently being restored and renovated); the Carriage House and pool terrace (completed in 2005); a restored milking shed that was part of the original dairy; the Barn / Wood Workshop; a number of preserved large patriarch live oak trees; and the proposed Willis home addition.

The Barn / Workshop is located near the largest live oak and is rotated approximately 20 degrees from the existing buildings to place the large barn doors and entry porch on axis with the beginning of the Village Walk. The barn is a heavy timber post and beam structure made from old growth cypress that is native to north Florida. All of the structure is exposed in the interior and soars up through the various levels and platforms in the three (3) story volume. In addition to the columns and beams; knee braces, king post roof trusses, and flat black steel plates / connectors are revealed and celebrated in the building. Mr. Willis is an experienced master carpenter / craftsman and all of the joinery and connections were custom built on site. The net result is a traditionally proportioned barn that is an essay in natural materials, day lighting, and flexible multi use operation. In addition to being primarily used as a fine carpentry workshop – it is used as an exhibit hall for historic tools, vintage motorcycles, and dairy memorabilia. The barn is also an excellent venue for social gatherings and blues recitals. The barn's exterior is clad in board and batten siding painted "milk" white, a 5 v crimp galvalume roof, and deep red casement and industrial sash windows that match the original red & white logo of the historic dairy.

The Willis Barn is an excellent example of north Florida regional Architecture. It addresses the climate and materials of our region and exemplifies the benefits of an appropriate infill project in a historic location.

Sincerely,

Craig Huffman AIA  
Associate Professor of Architecture  
**Huffman Associates / Studio for Architecture**  
**Awards Jury Chair**  
c/o the Florida Trust for Historic Preservation  
Honorable Awards Jury,

**It is with great pleasure I recommend the Historic Willis Dairy for the Annual Statewide Preservation Awards Program. As the director of the Leon County Office of Sustainability, I have a deep understanding of the nexus between historic preservation and sustainability. The Willis family has made use of numerous reused materials and energy efficient technology to result in a “green” building which has less environmental impact during construction and through its on-going operations. Beyond the physical structure, the property is a demonstration of various native plants and creative diversion of rain water run off for added irrigation. Often the topic of sustainability focuses primarily on the built-environment, and certainly the Willis Dairy renovation efforts are a model for all to follow. However, their efforts do not stop there.**

**Perhaps even more note worthy, the Willis Dairy renovation has strengthened the social fabric of our community. Another key aspect of sustainability is community and society. The cultural history of a community is important to maintain a sense of place. This sense of identity is particularly threatened in an increasingly uniform world. From what was once a farm on the outskirts of town to what is now considered infill development, the Willis Dairy is a timeless snapshot of Tallahassee’s past. In addition to the historic significance the site holds as a dairy, the actual buildings have history imbedded within them. The Willis family will proudly offer a personal guided tour of the home which has hosted multiple generations of their family. Highlights include stories of the still existing front porch swing, the significance of old beadboard paneling, the fireplace of the original two-room house, and the decades-old native camellia bush in the yard. The Willis family’s preservation effort embodies sustainability.>**

**I recently had the privilege of sharing this historic jewel with members of our community, as the Willis family generously hosted an evening reception for the Leon County Sustainable Communities Summit in May 2010. When seeking a location for the reception, I could not have imagined a more fitting location and welcoming host. Not only did the attendees enjoy the inviting surroundings, but we**

**used the reception site as an opportunity to demonstrate a true “sustainable building.”**

**On a professional level, as well as a personal level, I could imagine no better site to represent the essence of historic preservation than the Willis Dairy.**

**Sincerely,  
Maggie Theriot     Sustainability Manager, Leon County**

1/24/11

Tallahassee

Award Jury Chair

The Florida Trust for Historic Preservation

Infill Design 2011

Dear Awards committee,

the project that Frank Willis has done in his effort to restore and reassert the uniqueness of his Grandparent1s dairy farm near Tallahassee has been thrilling to watch in it development and now a absolute glory to behold in ifs finished state. We native floridians and life-time residents of this capitol city area are all abuzz about this new architectural diamond that has emerged in a otherwise sea of urban housing gravel. When I was a child growing up in Tallahassee, Willis Dairy was very active and you went there for your cow products when you wanted the real thing, as compared to the wax coated cartons of „machine made„milk that were all the rage in 1952. The farm was way out of the city limits and it took a while to get there when taking your empty bottles back for those cream topped refills of 100% perfect milk. Fully alive with cows, beautiful structures, nice people and a family focused work force that set a standard of perfection in their business and public life, the whole operation that took place on the Willis Dairy property was a lingering index to the pioneer fiber, hard work ethic, and demand for high quality that we once took for granted in small town America.

Fast forward fifty years or so Milk comes by truck from states far away, you get it in plastic, and hope for the best. The lands around the old Willis place have been cut up, divided, built upon, scraped, bruised, and homogenized as the overbuilding of Florida took off in the 60s and never abated. This would have been the end of the story except that Frank Willis made a decision that sullied the interests of both realtors and developer point men that had, by that time, begin to circle the beautiful old house, giant trees, rolling land, and remaining outbuildings of this historical outpost, like hungry gulls searching for easy scraps. He said NO! Rather than sell and run to a gated community somewhere he and his wife took it upon themselves to rebuild the whole Dairy complex in the very finest of authentic materials using methods that were vintage to the time, solid in concept, and architecturally congruent with the original structures that were still standing when he started the project in 1995. Taking it one building at a time, he has managed to bring forth the most beautiful testimony to turn of the century architecture that anyone around here has ever seen. I was so pleased, along with other friends and professionals, to have been able to inspect the structures as they were being built. We all were taken by the quality and precision of assembly that Frank was able to coordinate with the various teams of contract people he enlisted. By using aged, center cut heart beams in all places of stress, and then finding, and having milled, unfinished

wall boards up to 24 inches wide by 1 inch thick to cover inside the barn structure, the builder insured that vintage rebuilding was to take place with no compromise or short cuts. The care with which windows were built and fitted, full size doors hung true and strong, stairs and ceiling sections mated back to original using materials vintage to the period being emulated, the care of paint application, caulk bead, nail pattern, grain match, lap bond, and other nuances of quality were, and are, all evident during this entire projects build time right up to the stunning visual conclusion. This forceful pursuit of perfection went on for years because the Willis family wanted this final restoration and recreation project to pay tribute to their past family that had always stood for, and demanded, high quality in everything associated with their Dairy's name. The photos tell it all, but to visit this new showcase in Tallahassee is a must for one to get the full ambience of just how well the four buildings and their coordinated grounds work together.

The original heart pine floors cut from sand hill pine, that are in the old house, signal to one as soon as they enter, that they are in a real Florida home. Everything is up to full scale with no low ceilings or door ways where you must dip your head to go thru. The full cut lumber that is used thru-out the building was specially milled to mate with the past. Everything that is new in the whole project was sought out and had to be material that was available at the time of the original structure. This infill project is in no way a "surface only" approach. Even if you go over every detail carefully, and get in the attic, under the floors, behind the walls, or out in the barn back under the sheds the attention to visual detail, demand for authentic materials and architectural congruency, uncompromised craftsmanship and assembly methods, and visual relationships with each of the other buildings that form the total complex will all combine to offer the visitor and first time viewer a thrill of perfection and nostalgia. Now that the project is finished an example has been set that will bode goodwill for future dreamers like Frank Willis who had a vision and stuck with it till the dream became reality. When others are faced with what can be done in urban areas that are slowly becoming "totally unremarkable," they may now visit a first class example of what visual good can be done if infill forethought and creative preservation of historic structures and sites can be pursued as a community goal. This Dairy project here in Tallahassee gives hope to other land owners who would like to keep and give even more of a historical presence to a once special site .....but just don't know how to start. When one rides out Centerville Road nowadays, they simply are not prepared for the forceful visual drama that the Dairy complex now exudes. When passing eyes lock on the full cut lumber siding, ornately detailed finish work, large full cut windows, landscaped, shrub filled, and flowered drive and service areas, the deeply opaque and almost marble-like whiteness of the thick plaster-like paint, the perfect rise steps, the large oaks, the wellness of it all.....those eyes and the person behind them feel good and solid like the fresh cut diamond he has just passed by.....and to think that with a little less vision and a little more greed the Willis family could have just let it go to the developers and a Dollar Store, Handy-Mart, or Jiffy-Lube could have met those same eyes.

Bravo to Frank Willis, his family, their efforts, and to the beautiful, historically relevant, and simply first class structure that he has infilled a part of Tallahassee with .....a part that was slowly sinking until he threw out a life preserver of correctness, care, and community. His Dairy now stands as a life line of architectural hope to all who would like to see more parts of a city they love, become extra special, more relevant, more historical.

Please consider this Willis Dairy Project for your annual Awards program. I am from a pioneer Florida family and have lived in Tallahassee for over sixty years. This is

simply the best building project that has been completed in this area in a very long time. Everyone knows about it and everyone has been by to look it over and marvel between smiles. This completed complex is like no other I have seen and is a triumph to all of us who care about what came before us, and how to preserve with respect a lingering historical site.

*WITH RESPECT TO ALL,*

*JIM ROCHE*

*TALLAHASSEE*



**D**rivers can be forgiven their alarm as they drive past the old Willis Dairy farmhouse on Centerville Road, not far from Tallahassee Memorial Hospital.

For weeks, Frank Willis and his workers have been tearing apart the 100-year-old home- stead. It looks as if it's about to be demolished.

But fear not. The house is being restored, not destroyed. Willis, 49, is trying to hang on to his roots — and Tallahassee's.

"We get people in here daily saying, 'You can't tear down this house — it belongs to Tallahassee,'" he said. "But our whole point is to build a landmark. I want this house to be here another 200 years."

Willis is a longtime builder and wood craftsman who last year helped restore the Hays Hood House on East Park Avenue as headquarters of the Florida Trust for Historic Preservation. And he's building a paean to North Florida architectural history on the remaining 3 acres of his family's one-time dairy.

Two years ago, he built a carriage house beside the farmhouse. It's been home to him, longtime girlfriend Peper Roper and their daughter,



**Gerald Ensley**

The View from Here



#### PHOTO GALLERY

View pictures of Frank Willis' progress on the old Willis Dairy Farmhouse at Tallahassee.com.



GLENN BEIL/Democrat

Frank Willis is restoring his grandparents' former home, seen above from Centerville Road. It's formerly the Willis Dairy. Willis will use the old barn as his woodworking shop.

Briana, 13, as he restores the farmhouse. He's built a stunning barn, which will become his woodworking shop. And the farmhouse will get a 2,000-square-foot addition.

All three are being constructed in the traditional North Florida style of the farmhouse, with steep gables, covered porches and tin roofs designed to relieve the heat and rain of the South.

"Frank is making a statement: Everything doesn't have to be modern (looking)," said Tallahassee architect Mark Tarmey, president of the Florida Trust for Historic Preservation. "That property is part of his heritage, and it's important to him and his family. I think (the restoration) is important for the community

at large."

The centerpiece is the farmhouse, which bears a sign: "Emma Kate's Place." Originally it was a two-room cottage. Willis' grandparents, Emma Kate and F.E. "Dutt" Willis, moved there in 1939 and added rooms as their three children were born. Dutt died in 1949, but Emma Kate continued to live there until her death in November at 102. She sold the house to Willis four years ago after he showed her his restoration concept.

"She was in on every step of the planning," Willis said. "She felt confident we would do the right thing."

Emma Kate and Dutt started the dairy in 1940. After Dutt

Please see ENSLEY, 82





## ENSLEY

From Page 1B

died, Frank's father, Ed, only two years out of high school, took over. He built the dairy herd to more than 1,000 cows and expanded the farm to nearly 100 acres between Centerville and Miccosukee roads.

Willis Dairy became one of the state's top independent dairies. Its red-and-white cartons were on the shelves of grocery stores all over the Big Bend.

But by the 1970s, government regulations and competition from corporate dairies made it tough for small dairies to survive. In 1973, Willis' father closed the dairy and began building houses and duplexes on the former farm land. Ultimately, the family owned 135 rental units, which they sold two years ago.

Willis started working alongside his father at 16, gaining an appreciation for craftsmanship — and hard work. Though his father had Parkinson's disease for the last eight years of his life, he worked practically to the day he died four years ago.

Just as the house is named for Emma Kate and the carriage house is named for Briana, so the barn will bear a nameplate: "Ed Willis."

"Doctors couldn't believe he kept working," Willis said. "But he was such a horse because he got up every day and worked."

Historic preservation has become Willis' passion. Most of the old timber from the farmhouse, from cabinets to flooring, is being reused. The windows are being replaced with modern energy-efficient ones — but the old windows were given to a



GLENN BEIL/Democrat  
Frank Willis and his family are currently living in the carriage house, above, as they work to renovate his grandparents' former home.

**Historic preservation has become Willis' passion. Most of the old timber from the farmhouse, from cabinets to flooring, is being reused.**

family in Alabama doing a period restoration of its family home. The cypress-paneled barn is "a cathedral of wood," emblazoned with Peper's painting of the Willis Dairy logo.

"Frank wants to do it authentically," said architect Craig Huffman, who designed the farmhouse renovations, addition and barn. "The scale, the materials, the language of this North Florida vernacular has been extended to a whole campus of structures."

All of which embrace the past. "The whole scheme is to keep it looking as traditional North Florida-looking as possible," Willis said. "We're losing too much of the fabric of this town. I really want to keep what Tallahassee is losing."

■ Call Senior Writer Gerald Ensley at (850) 599-2310 or e-mail [gensley@tallahassee.com](mailto:gensley@tallahassee.com).

GLENN BEIL/Democrat  
Frank Willis is restoring the old Willis Dairy. Willis will use the old barn, seen above, as his woodworking shop.

**RIVERBEND**  
BAINBRIDGE

IS HE  
RED HOT D

**NEW 2008 FORD MUSTANG**  
MSRP .....  
EMPLOYEE PRICE  
FORD REBATE

**SALE PRICE \$17,999**  
STK#7807

**NEW 2008 FORD MUSTANG**  
MSRP .....  
RIVERBEND DISCOUNT  
SALE PRICE....\$31,999

STK#7847

**NEW 2008 FORD ESCAPE**  
MSRP .....  
RIVERBEND DISCOUNT

The 2008 Tallahassee/Leon County Historic Preservation Awards  
Sponsored by The Florida Heritage Foundation, Inc. and The Tallahassee Trust for Preservation,  
Inc.

### **Hays-Hood House**

Florida Trust for Historic Preservation, Inc.

### **MASTER CRAFTSMANSHIP AWARD**

Recognizing exceptional craftsmanship on the restoration of the Florida Trust's new headquarters  
building – the historic Hays-Hood House in Tallahassee

**Frank Willis, Frank Willis Builder, LLC**

~~~~~  
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This award is in recognition of the significant achievement
In the preservation of Florida's rich Heritage.

FLORIDA PRESERVATION AWARD
2009

WILLIS BARN at the Historic Willis Dairy
Tallahassee
Frank Willis Builder, LLC

**In Recognition of Meritorious Achievement
In the Field of Infill Design**

~~~~~  
2011 TALLAHASSEE/LEON COUNTY  
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**Outstanding Achievement in the Stewardship Category**

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Tallahassee/Leon County Historic Preservation Awards. The project will receive an  
award for outstanding achievement in the Stewardship category.

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2012 FLORIDA TRUST FOR HISTORIC PRESEVATION
MASTER CRAFTSMAN AWARD
Frank Willis

For your use of traditional techniques and construction methods to authentically restore
Historic buildings. Your unique woodworking skills and attention to detail are both
Artistic and rare in today's construction industry.

Huffman Associates / **Studio for Architecture**
March 5, 2009
Statewide Preservation Awards Coordinator
The Florida Trust for Historic Preservation, Inc.
906 East Park Avenue, Tallahassee, FL 32301

RE: Nomination for The Willis Barn at the Historic Willis Dairy,
1609 Centerville Road, Tallahassee, Florida
The Florida Trust for Historic Preservation Statewide Awards - **Infill**

Category

Dear Review Committee,

I am pleased to support this project for an infill award. The Willis Barn is a new structure that forms a part of the Willis Campus. It is the most recent building completed in the adaptive reuse of the historic Willis Dairy compound. The "Village Campus" is the home of Frank and Peper Willis and includes the original house (built in 1907 - currently being restored and renovated); the Carriage House and pool terrace (completed in 2005); a restored milking shed that was part of the original dairy; the Barn / Wood Workshop; a number of preserved large patriarch live oak trees; and the proposed Willis home addition.

The Barn / Workshop is located near the largest live oak and is rotated approximately 20 degrees from the existing buildings to place the large barn doors and entry porch on axis with the beginning of the Village Walk. The barn is a heavy timber post and beam structure made from old growth cypress that is native to north Florida. All of the structure is exposed in the interior and soars up through the various levels and platforms in the three (3) story volume. In addition to the columns and beams; knee braces, king post roof trusses, and flat black steel plates / connectors are revealed and celebrated in the building. Mr. Willis is an experienced master carpenter / craftsman and all of the joinery and connections were custom built on site. The net result is a traditionally proportioned barn that is an essay in natural materials, day lighting, and flexible multi use operation. In addition to being primarily used as a fine carpentry workshop – it is used as an exhibit hall for historic tools, vintage motorcycles, and dairy memorabilia. The barn is also an excellent venue for social gatherings and blues recitals. The barn's exterior is clad in board and batten siding painted "milk" white, a 5 v crimp galvalume roof, and deep red casement and industrial sash windows that match the original red & white logo of the historic dairy.

The Willis Barn is an excellent example of north Florida regional Architecture. It addresses the climate and materials of our region and exemplifies the benefits of an appropriate infill project in a historic location.

Sincerely,

Craig Huffman AIA
Associate Professor of Architecture
Huffman Associates / Studio for Architecture
Awards Jury Chair
c/o the Florida Trust for Historic Preservation
Honorable Awards Jury,

It is with great pleasure I recommend the Historic Willis Dairy for the Annual Statewide Preservation Awards Program. As the director of the Leon County Office of Sustainability, I have a deep understanding of the nexus between historic preservation and sustainability. The Willis family has made use of numerous reused materials and energy efficient technology to result in a “green” building which has less environmental impact during construction and through its on-going operations. Beyond the physical structure, the property is a demonstration of various native plants and creative diversion of rain water run off for added irrigation. Often the topic of sustainability focuses primarily on the built-environment, and certainly the Willis Dairy renovation efforts are a model for all to follow. However, their efforts do not stop there.

Perhaps even more note worthy, the Willis Dairy renovation has strengthened the social fabric of our community. Another key aspect of sustainability is community and society. The cultural history of a community is important to maintain a sense of place. This sense of identity is particularly threatened in an increasingly uniform world. From what was once a farm on the outskirts of town to what is now considered infill development, the Willis Dairy is a timeless snapshot of Tallahassee’s past. In addition to the historic significance the site holds as a dairy, the actual buildings have history imbedded within them. The Willis family will proudly offer a personal guided tour of the home which has hosted multiple generations of their family. Highlights include stories of the still existing front porch swing, the significance of old beadboard paneling, the fireplace of the original two-room house, and the decades-old native camellia bush in the yard. The Willis family’s preservation effort embodies sustainability.>

I recently had the privilege of sharing this historic jewel with members of our community, as the Willis family generously hosted an evening reception for the Leon County Sustainable Communities Summit in May 2010. When seeking a location for the reception, I could not have imagined a more fitting location and welcoming host. Not only did the attendees enjoy the inviting surroundings, but we

**used the reception site as an opportunity to demonstrate a true
“sustainable building.”**

**On a professional level, as well as a personal level, I could
imagine no better site to represent the essence of historic
preservation than the Willis Dairy.**

**Sincerely,
Maggie Theriot Sustainability Manager, Leon County**

1/24/11

Tallahassee

Award Jury Chair

The Florida Trust for Historic Preservation

Infill Design 2011

Dear Awards committee,

the project that Frank Willis has done in his effort to restore and reassert the uniqueness of his Grandparent1s dairy farm near Tallahassee has been thrilling to watch in it development and now a absolute glory to behold in ifs finished state. We native floridians and life-time residents of this capitol city area are all abuzz about this new architectural diamond that has emerged in a otherwise sea of urban housing gravel. When I was a child growing up in Tallahassee, Willis Dairy was very active and you went there for your cow products when you wanted the real thing, as compared to the wax coated cartons of „machine made„milk that were all the rage in 1952. The farm was way out of the city limits and it took a while to get there when taking your empty bottles back for those cream topped refills of 100% perfect milk. Fully alive with cows, beautiful structures, nice people and a family focused work force that set a standard of perfection in their business and public life, the whole operation that took place on the Willis Dairy property was a lingering index to the pioneer fiber, hard work ethic, and demand for high quality that we once took for granted in small town America.

Fast forward fifty years or so Milk comes by truck from states far away, you get it in plastic, and hope for the best. The lands around the old Willis place have been cut up, divided, built upon, scraped, bruised, and homogenized as the overbuilding of Florida took off in the 60s and never abated. This would have been the end of the story except that Frank Willis made a decision that sullied the interests of both realtors and developer point men that had, by that time, begin to circle the beautiful old house, giant trees, rolling land, and remaining outbuildings of this historical outpost, like hungry gulls searching for easy scraps. He said NO! Rather than sell and run to a gated community somewhere he and his wife took it upon themselves to rebuild the whole Dairy complex in the very finest of authentic materials using methods that were vintage to the time, solid in concept, and architecturally congruent with the original structures that were still standing when he started the project in 1995. Taking it one building at a time, he has managed to bring forth the most beautiful testimony to turn of the century architecture that anyone around here has ever seen. I was so pleased, along with other friends and professionals, to have been able to inspect the structures as they were being built. We all were taken by the quality and precision of assembly that Frank was able to coordinate with the various teams of contract people he enlisted. By using aged, center cut heart beams in all places of stress, and then finding, and having milled, unfinished

wall boards up to 24 inches wide by 1 inch thick to cover inside the barn structure, the builder insured that vintage rebuilding was to take place with no compromise or short cuts. The care with which windows were built and fitted, full size doors hung true and strong, stairs and ceiling sections mated back to original using materials vintage to the period being emulated, the care of paint application, caulk bead, nail pattern, grain match, lap bond, and other nuances of quality were, and are, all evident during this entire projects build time right up to the stunning visual conclusion. This forceful pursuit of perfection went on for years because the Willis family wanted this final restoration and recreation project to pay tribute to their past family that had always stood for, and demanded, high quality in everything associated with their Dairy's name. The photos tell it all, but to visit this new showcase in Tallahassee is a must for one to get the full ambience of just how well the four buildings and their coordinated grounds work together.

The original heart pine floors cut from sand hill pine, that are in the old house, signal to one as soon as they enter, that they are in a real Florida home. Everything is up to full scale with no low ceilings or door ways where you must dip your head to go thru. The full cut lumber that is used thru-out the building was specially milled to mate with the past. Everything that is new in the whole project was sought out and had to be material that was available at the time of the original structure. This infill project is in no way a "surface only" approach. Even if you go over every detail carefully, and get in the attic, under the floors, behind the walls, or out in the barn back under the sheds the attention to visual detail, demand for authentic materials and architectural congruency, uncompromised craftsmanship and assembly methods, and visual relationships with each of the other buildings that form the total complex will all combine to offer the visitor and first time viewer a thrill of perfection and nostalgia. Now that the project is finished an example has been set that will bode goodwill for future dreamers like Frank Willis who had a vision and stuck with it till the dream became reality. When others are faced with what can be done in urban areas that are slowly becoming "totally unremarkable," they may now visit a first class example of what visual good can be done if infill forethought and creative preservation of historic structures and sites can be pursued as a community goal. This Dairy project here in Tallahassee gives hope to other land owners who would like to keep and give even more of a historical presence to a once special sitebut just don't know how to start. When one rides out Centerville Road nowadays, they simply are not prepared for the forceful visual drama that the Dairy complex now exudes. When passing eyes lock on the full cut lumber siding, ornately detailed finish work, large full cut windows, landscaped, shrub filled, and flowered drive and service areas, the deeply opaque and almost marble-like whiteness of the thick plaster-like paint, the perfect rise steps, the large oaks, the wellness of it all.....those eyes and the person behind them feel good and solid like the fresh cut diamond he has just passed by.....and to think that with a little less vision and a little more greed the Willis family could have just let it go to the developers and a Dollar Store, Handy-Mart, or Jiffy-Lube could have met those same eyes.

Bravo to Frank Willis, his family, their efforts, and to the beautiful, historically relevant, and simply first class structure that he has infilled a part of Tallahassee witha part that was slowly sinking until he threw out a life preserver of correctness, care, and community. His Dairy now stands as a life line of architectural hope to all who would like to see more parts of a city they love, become extra special, more relevant, more historical.

Please consider this Willis Dairy Project for your annual Awards program. I am from a pioneer Florida family and have lived in Tallahassee for over sixty years. This is

simply the best building project that has been completed in this area in a very long time. Everyone knows about it and everyone has been by to look it over and marvel between smiles. This completed complex is like no other I have seen and is a triumph to all of us who care about what came before us, and how to preserve with respect a lingering historical site.

WITH RESPECT TO ALL,

JIM ROCHE

TALLAHASSEE

Drivers can be forgiven their alarm as they drive past the old Willis Dairy farmhouse on Centerville Road, not far from Tallahassee Memorial Hospital.

For weeks, Frank Willis and his workers have been tearing apart the 100-year-old home- stead. It looks as if it's about to be demolished.

But fear not. The house is being restored, not destroyed. Willis, 49, is trying to hang on to his roots — and Tallahassee's.

"We get people in here daily saying, 'You can't tear down this house — it belongs to Tallahassee,'" he said. "But our whole point is to build a landmark. I want this house to be here another 200 years."

Willis is a longtime builder and wood craftsman who last year helped restore the Hays Hood House on East Park Avenue as headquarters of the Florida Trust for Historic Preservation. And he's building a paean to North Florida architectural history on the remaining 3 acres of his family's one-time dairy.

Two years ago, he built a carriage house beside the farmhouse. It's been home to him, longtime girlfriend Peper Roper and their daughter,



Gerald Ensley

The View from Here



PHOTO GALLERY

View pictures of Frank Willis' progress on the old Willis Dairy Farmhouse at Tallahassee.com.



GLENN BEIL/Democrat

Frank Willis is restoring his grandparents' former home, seen above from Centerville Road. It's formerly the Willis Dairy. Willis will use the old barn as his woodworking shop.

Briana, 13, as he restores the farmhouse. He's built a stunning barn, which will become his woodworking shop. And the farmhouse will get a 2,000-square-foot addition.

All three are being constructed in the traditional North Florida style of the farmhouse, with steep gables, covered porches and tin roofs designed to relieve the heat and rain of the South.

"Frank is making a statement: Everything doesn't have to be modern (looking)," said Tallahassee architect Mark Tarmey, president of the Florida Trust for Historic Preservation. "That property is part of his heritage, and it's important to him and his family. I think (the restoration) is important for the community

at large."

The centerpiece is the farmhouse, which bears a sign: "Emma Kate's Place." Originally it was a two-room cottage. Willis' grandparents, Emma Kate and F.E. "Dutt" Willis, moved there in 1939 and added rooms as their three children were born. Dutt died in 1949, but Emma Kate continued to live there until her death in November at 102. She sold the house to Willis four years ago after he showed her his restoration concept.

"She was in on every step of the planning," Willis said. "She felt confident we would do the right thing."

Emma Kate and Dutt started the dairy in 1940. After Dutt

Please see ENSLEY, 82



ENSLEY

From Page 1B

died, Frank's father, Ed, only two years out of high school, took over. He built the dairy herd to more than 1,000 cows and expanded the farm to nearly 100 acres between Centerville and Miccosukee roads.

Willis Dairy became one of the state's top independent dairies. Its red-and-white cartons were on the shelves of grocery stores all over the Big Bend.

But by the 1970s, government regulations and competition from corporate dairies made it tough for small dairies to survive. In 1973, Willis' father closed the dairy and began building houses and duplexes on the former farm land. Ultimately, the family owned 135 rental units, which they sold two years ago.

Willis started working alongside his father at 16, gaining an appreciation for craftsmanship — and hard work. Though his father had Parkinson's disease for the last eight years of his life, he worked practically to the day he died four years ago.

Just as the house is named for Emma Kate and the carriage house is named for Briana, so the barn will bear a nameplate: "Ed Willis."

"Doctors couldn't believe he kept working," Willis said. "But he was such a horse because he got up every day and worked."

Historic preservation has become Willis' passion. Most of the old timber from the farmhouse, from cabinets to flooring, is being reused. The windows are being replaced with modern energy-efficient ones — but the old windows were given to a



GLENN BEIL/Democrat
Frank Willis and his family are currently living in the carriage house, above, as they work to renovate his grandparents' former home.

Historic preservation has become Willis' passion. Most of the old timber from the farmhouse, from cabinets to flooring, is being reused.

family in Alabama doing a period restoration of its family home. The cypress-paneled barn is "a cathedral of wood," emblazoned with Peper's painting of the Willis Dairy logo.

"Frank wants to do it authentically," said architect Craig Huffman, who designed the farmhouse renovations, addition and barn. "The scale, the materials, the language of this North Florida vernacular has been extended to a whole campus of structures."

All of which embrace the past. "The whole scheme is to keep it looking as traditional North Florida-looking as possible," Willis said. "We're losing too much of the fabric of this town. I really want to keep what Tallahassee is losing."

■ Call Senior Writer Gerald Ensley at (850) 599-2310 or e-mail gensley@tallahassee.com.

GLENN BEIL/Democrat
Frank Willis is restoring the old Willis Dairy. Willis will use the old barn, seen above, as his woodworking shop.

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Tallahassee-Leon County Planning Department
Att: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301
850 891-6400
850 891-6404 fax

RE: Proposed Amendment #PCM201708
Old Willis Dairy

To Whom It May Concern:

I am adamantly opposed to changing the Old Willis Dairy property from Residential Preservation (RP) to Suburban (SUB). I currently own a residence and live less than 1000 feet from the site. A change in zoning would bring a mix of commercial, office buildings, parking lots, and an increase of more than 3x the residential capacity to an already congested part of the city. The property fronts Centerville Rd, which is currently a two lane, heavy traveled, canopy road. The road cannot handle the amount of cars now, during certain day-parts, not to mention the additional traffic that commercial, apartments, and office buildings would create. Cars would be backed up to Blairstone Rd in the AM and to Magnolia Rd in the PM. A proposed change would bring more traffic, congestion, accidents, noise, pollution, trash, and crime, followed by a definite decrease in the quality of life and property values for near by existing residents.

Respectfully,

Robert DiBartolomeo
1625 Centerville Rd
Tallahassee, FL 32308

From: [White, Artie](#)
To: [Calhoun, Sherri](#)
Subject: FW: PCM201708
Date: Friday, December 30, 2016 8:21:37 AM
Attachments: [Tallahassee.docx](#)

Public comments on the Old Willis Dairy amendment.

From: Hodges, Stephen M
Sent: Wednesday, December 28, 2016 9:18 AM
To: Christesen, Julie; White, Artie
Subject: FW: PCM201708

FYI

From: Robert DiBartolomeo [<mailto:bdibart499@aol.com>]
Sent: Tuesday, December 27, 2016 6:09 PM
To: Hodges, Stephen M
Subject: PCM201708

Steve

It was nice speaking to you this afternoon regarding the Old Willis Dairy Site. Here attached is my formal response to the notice of the requested amendment. I would like it to be placed in the file (along with this email) and given to the planning committee or anyone else responsible for granting any changes. I still firmly believe that the zoning should not be changed to Suburban FLUM designation and would be in favor of keeping the zoning as is (RP). As far as Mr Frank Willis and his business is concerned, I am understanding this proposal is just to "get him legal" with the business he is currently operating. I'd be ok allowing him to continue his "assemblies", as long as there is a written agreement of what is acceptable and what is not. Whether the "agreement" is in the form of a contract, development agreement, or a specific amendment is an issue for the planning board. In closing please know that I would not be in favor of any further commercial or residential expansion on the property, other than what already has been granted. Thank you for your time, understanding, and answering all my questions. Please do keep me informed on the progress of this project. Bob

Robert DiBartolomeo
1625 Centerville Rd
Tallahassee, FL 32312
850 668 1010
bdibart499@aol.com

Tallahassee-Leon County Planning Department
Att: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301
850 891-6400
850 891-6404 fax

RE: Proposed Amendment #PCM201708
Old Willis Dairy

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Respectfully,

Robert DiBartolomeo
1625 Centerville Rd
Tallahassee, FL 32308

From: sjoanos@gmail.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Tuesday, January 10, 2017 9:14:55 PM

- **Amendment:** PCM201708 Map
- **First Name:** Stamatia
- **Last Name:** Joanos
- **Street Address:** 1417 Goodwood Ct
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32308
- **Email Address:** sjoanos@gmail.com
- **Comments:** I am NOT in favor this property from RP-1 and RP-2 Residential to SUB. PLEASE LEAVE THIS PROPERTY AS RESIDENTIAL WHICH IS WHAT IT IS

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201708

I/We as owner(s) of property at this address: 1520 Goodwood Dr. wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

BOTTOM OAKS Subdivision

SIGNED: Albert E. Thornton III

RECEIVED
17 JAN 13
TALLHASSEE/

Albert E. Thornton III
1520 Goodwood Dr.
Tallahassee, Florida 32308



1000



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Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

We, the residents of Betton Oaks subdivision and nearby streets, have concerns about the commercial use of "the Old Willis Dairy" as a wedding, music, and party venue. The addresses of the properties are: 1609 Centerville Rd., 1611 Centerville Rd., 1619 Centerville Rd. and 1546 Goodwood Dr. At this time, the properties are all zoned RP-1 (Residential Preservation). We feel that any changes to the zoning of these properties should be denied. The owner of the properties known as "the Old Willis Dairy" has been using it as a commercial wedding, music, and party venue *in spite of* the residential zoning, causing many concerns and problems with noise and traffic for our neighborhood. Goodwood Drive is a narrow, two-lane road with no sidewalks and open drainage ditches. Overflow parking from the events at "the Old Willis Dairy" has resulted in cars parked in residents' yards and blocked streets, making it difficult to get to and from our homes. Bands playing loud music at the outdoor venue late into the night have disturbed the neighbors, resulting in calls to the police. We ask that you deny the request for change from RP-1 to SUB (Suburban).

Resident	Address	E-mail or Phone Number
<u>Albert E. Thornton III</u>	<u>1520 Goodwood Dr.</u>	<u>thornton3@comcast.net</u>
<u>Shirley R. Thornton</u>	<u>1520 Goodwood Dr.</u>	<u>(850) 523-0573</u>
<u>John Wallace Kelley</u>	<u>1504 Goodwood Dr.</u>	<u>(850) 510-4383</u> <u>wkelley353@gmail.com</u>
<u>Donna K. Kelley</u>	<u>1504 Goodwood Dr</u>	<u>850-510-5884</u>
<u>Richard Hamilton</u>	<u>1512 Goodwood Dr</u>	<u>850 383 6331</u>
<u>Michael Cresaf</u>	<u>1516 Goodwood Dr.</u>	<u>850-385-4647</u>
<u>Kelley LANG</u>	<u>1524 Goodwood Dr</u>	<u>850 567 5496</u>

Alan Smith	1508 Goodwood Drive	850-566-1682
Lynia Steune	1530 Goodwood Drive	850-508-5413
Chie Qu Linn	1753 Brown Dr.	850-445-4465
Liz Zie Harvey	1554 Goodwood Dr	850-297-0275
Catherine A Hwaier	1558 Goodwood Dr.	850-878-5595
Laurence Carls	1566 Goodwood Dr.	870-284-6839
Gracela Soriano	1586 Goodwood Dr	850-386-7468
Bob R. Burkett	1590 Goodwood Dr	850-877-8640
Amy Rigby	1529 Goodwood Dr	850-287-0865
Barbara Steffes	1537 Goodwood Dr	850-531-0026
Robert White	1541 Goodwood Dr	850-728-9355
Lucas Burkitt	1549 Goodwood Dr.	850-443-4092
Patty Crosslink	1553 Goodwood Drive	704 495 5208
Paula Ann	1557 Goodwood Dr.	850-519-0323
Malley Lewis	1569 Goodwood Dr.	850-385-9236

(850) 385-9236

(850) 385-9236

(850) 656-1071

(913) 952-5790

850 - 386-7825

(880) 297-0208

080.545-9909

We, the residents of Betton Oaks subdivision and nearby streets, have concerns about the commercial use of "the Old Willis Dairy" as a wedding, music, and party venue. The addresses of the properties are: 1609 Centerville Rd., 1611 Centerville Rd., 1619 Centerville Rd. and 1546 Goodwood Dr. At this time, the properties are all zoned RP-1 (Residential Preservation). We feel that any changes to the zoning of these properties should be denied. The owner of the properties known as "the Old Willis Dairy" has been using it as a commercial wedding, music, and party venue *in spite of* the residential zoning, causing many concerns and problems with noise and traffic for our neighborhood. Goodwood Drive is a narrow, two-lane road with no sidewalks and open drainage ditches. Overflow parking from the events at "the Old Willis Dairy" has resulted in cars parked in residents' yards and blocked streets, making it difficult to get to and from our homes. Bands playing loud music at the outdoor venue late into the night have disturbed the neighbors, resulting in calls to the police. We ask that you deny the request for change from RP-1 to SUB (Suburban).

Resident	Address	E-mail or Phone Number
Marshall Knight	1884 Brown St	
Becky Spalding	1790 Brown St.	850/878-4889
Susan Stappord	1769 Brown St	mindfulsusan@gmail.com
Pat Ritchie	1884 Brown St	850-877-1076
Gentian Kitter	1805 Brown St	(850) 345-7468
Patti Shea	1801 Brown St.	850-523-0103
Cathy Johns	1790 Brown St.	

Woodruff, Bryan	1883 Brown St.	850 385-9232
Guillermo CHAMPAN & Julia	1511 KESSEL DR	850 933-9911
Julia M. Sullivan	1511 Kessel Dr.	850 - 980-3503
Melinda Jones	11817 Brown St.	850) 232-8145
Dennis Francis	1417 Oakwood Ct	850-519-1605
Jane Steward	17601 Bacon St	850 878 9549
John M. Howell	1519 Kessel Dr.	850-656-1956
Ron Fowler	1518 KESSEL DR	850-980-0825
John Mulvaney	1515 Kessel Dr	850-879-9804
Joan Lag	1509 Kessel Dr	850 - 878-7180
Tim Braaten	1505 KESSEL DR	(956) 570-9802
Anne Cooper	1500 1509 Kessel Dr.	850 - 445-2822
Robert D. Harest	1502 KESSEL DR,	850-878-7010
Robert Newman	1901 Wells St	850 590 2165
Carlin Walsh	1903 Wells Street	850 - 591 - 8553

MEATHAN POSTKEY

Vincent DiMarco

1464 GOODWOOD CT

1481 Goodwood CT

(850) 933-9460

(850) 320-4156

We, the residents of Betton Oaks subdivision and nearby streets, have concerns about the commercial use of "the Old Willis Dairy" as a wedding, music, and party venue. The addresses of the properties are: 1609 Centerville Rd., 1611 Centerville Rd., 1619 Centerville Rd. and 1546 Goodwood Dr. At this time, the properties are all zoned RP-1 (Residential Preservation). We feel that any changes to the zoning of these properties should be denied. The owner of the properties known as "the Old Willis Dairy" has been using it as a commercial wedding, music, and party venue *in spite of* the residential zoning, causing many concerns and problems with noise and traffic for our neighborhood. Goodwood Drive is a narrow, two-lane road with no sidewalks and open drainage ditches. Overflow parking from the events at "the Old Willis Dairy" has resulted in cars parked in residents' yards and blocked streets, making it difficult to get to and from our homes. Bands playing loud music at the outdoor venue late into the night have disturbed the neighbors, resulting in calls to the police. We ask that you deny the request for change from RP-1 to SUB (Suburban).

Resident	Address	E-mail or Phone Number
Kim Williams	2069 Cantigny	Kim@Marpan.com
Judith Hawkins	1567 Escadrille Dr	jhawk515710@aol.com
Lisa Canup	1561 Escadrille Dr.	canup.lisa@ccbg.com
Lenoir Brewer	1579 Escadrille Dr	lenoir57@yahoo.com

From: [Christesen, Julie](#)
To: [Calhoun, Sherri](#)
Subject: FW: The old Willis dairy
Date: Tuesday, January 24, 2017 8:00:31 AM

FYI for the record.

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

From: Bert Thornton [<mailto:thornton3@comcast.net>]
Sent: Tuesday, January 24, 2017 6:24 AM
To: Christesen, Julie
Subject: The old Willis dairy

Good Morning Julie, Thanks for listening to our concerns about The Old Willis Dairy last night. As you run through our neighborhood you can see any extra traffic/or park cars is a problem. We have many kids and dog walkers using the STREET to exercise we do not need any more traffic. The events at the The Old Willis Dairy do create more traffic and park cars from the vendors and people attending the events!! The noise is a problem especially to the houses which are so close without any buffer. I just do not understand how any city planner can approve this zoning change request right in the middle of all these neighborhoods! They say they are just extending the current zoning next to them which is a huge holding pond for TMH. I appreciate your work on this project. Please helps us protect Betton Oaks and all the surrounding neighborhoods from any commercial intrusion!
Albert Thornton
1520 Goodwood Dr.

Sent from my iPhone

From: [Tedder, Wayne](#)
To: [Calhoun, Sherri](#); [Wilcox, Barry](#); [Bryant, Cherie \(Planning\)](#)
Subject: FW: The Old Willis Dairy
Date: Monday, February 06, 2017 9:59:53 AM
Attachments: [Land Use Map.pdf](#)
[ATT00001.txt](#)

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

From: Ingram, M'Lisa On Behalf Of Miller, Nancy
Sent: Monday, February 06, 2017 9:47 AM
To: Tedder, Wayne <Wayne.Tedder@talgov.com>
Cc: Singleton, Lauren <Lauren.Singleton@talgov.com>
Subject: FW: The Old Willis Dairy

M'Lisa Ingram
850-891-8179
MLisa.Ingram@talgov.com

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

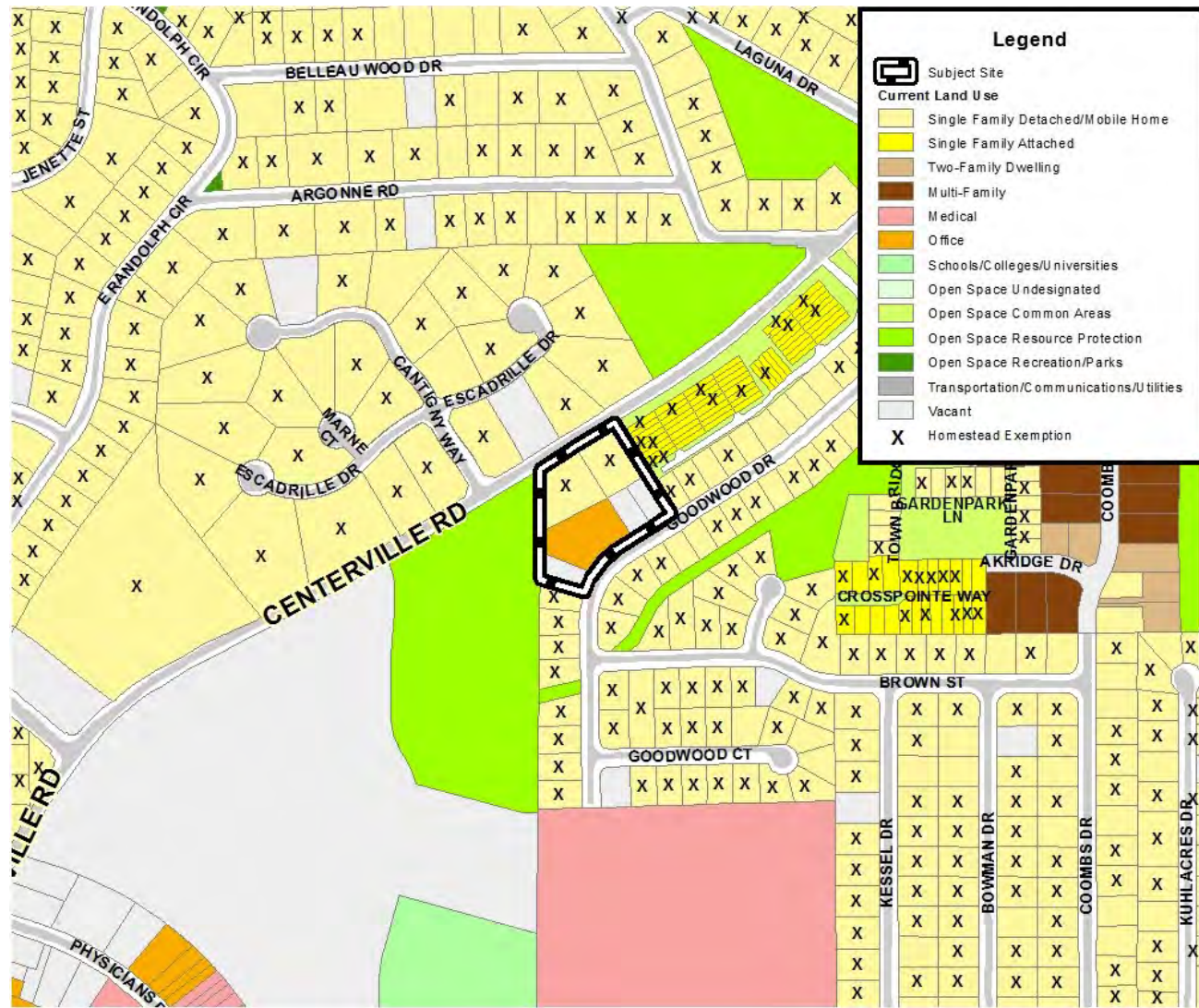
From: Bert Thornton [<mailto:thornton3@comcast.net>]
Sent: Friday, February 03, 2017 4:46 PM
To: Gillum, Andrew <Andrew.Gillum@talgov.com>; Miller, Nancy <Nancy.Miller@talgov.com>; Ziffer, Gil <Gil.Ziffer@talgov.com>; scott@scottmaddox.com; Richardson, Curtis <Curtis.Richardson@talgov.com>
Subject: The Old Willis Dairy

Good Evening, My name is Albert Thornton I live at 1520 Goodwood Dr. I have attached the land use map which is part of the rezoning application for The Old Willis Dairy. I do not understand why the planning department would "approve " this application right in middle of several residential neighborhoods!!
Your Help is Appreciated!!

Existing Land Uses

The existing land use on the subject site is a mixture of office and residential uses. The subject site is adjacent to a variety of residential densities with open space, medical uses, and utilities located in the general area.

Existing Land Use Map



Residential Preservation Analysis

The following analysis evaluates whether the subject site is consistent with the characteristics of the Residential Preservation land use category. Generally, the subject site does not exhibit the characteristics of Residential Preservation included in Policy 2.2.3.

A) Existing land use within the area is predominantly residential.

Analysis: Existing land use within the subject site is a mix of office, residential and event space. The main house functions as a residence, but the rest of the property is used for events and event-supporting

From: [Christesen, Julie](#)
To: [Calhoun, Sherri](#)
Subject: Fwd: The Old Willis Dairy
Date: Wednesday, February 08, 2017 8:35:43 AM

For the record.

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----- Forwarded message -----

From: "Christesen, Julie" <Julie.Christesen@talgov.com>
Date: Wed, Feb 8, 2017 at 8:29 AM -0500
Subject: Re: The Old Willis Dairy
To: "Bert Thornton" <thornton3@comcast.net>

Hi Bert,

It is part of the public record, and each of the commissioners received a copy.
Please feel free to let me know if you have any additional questions.

Thanks,

Julie Christesen

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From: Bert Thornton <thornton3@comcast.net>
Sent: Wednesday, February 8, 2017 8:07 AM
Subject: Re: The Old Willis Dairy
To: Christesen, Julie <julie.christesen@talgov.com>

Good Morning Julie,
I just want to make sure the signed petition from Betton Oaks subdivision is part of the public records. We mailed it in and gave you a copy at the sit down meeting on January 23rd. There was no mention of it at the meeting last night?
Thanks, Bert Thornton

Sent from my iPhone

> On Jan 26, 2017, at 3:24 PM, Bert Thornton <thornton3@comcast.net> wrote:
>
> Good Afternoon Julie, After studying the Leon County Property Appraiser web site there are three Betton Oaks plotted lots within the rezoning request!!
> Your help is Appreciated!
> Albert Thornton
>
> Sent from my iPhone

Citizens Comments

PCM201702

Killearn Country Club

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [D-Ann and Craig](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: D-Ann and Craig Gassett RE: ReZoning For Changes to Killearn Country Club
Date: Wednesday, January 18, 2017 5:16:12 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: D-Ann and Craig [<mailto:craiggassett@aol.com>]
Sent: Sunday, January 15, 2017 1:22 PM
To: Gillum, Andrew
Subject: ReZoning For Changes to Killearn Country Club

Dear Andrew,

We have lived on the golf course of Killearn Country Club since 1984. We began our KCC membership with a member number of G9... so we have a love relationship with the Club. However, when Craig's health failed in 1994, we had to inactivate our membership. We still lived on the 17th hole.

Today, and since 2007, we have lived on the 8th hole of KCC.

Our street, River Chase in Pebble Creek runs parallel to Tyron Pass.. both are private roadways.

The proposed rezoning is landlocked with access only to Tyron Pass.

All of our streets, adjoining Tyron Pass were recently repaved at our Pebble Creek Homeowners expense.

We ask you to please take a look at this proposed rezoning, to recognize the impact this 35 acre, 350 units, possibly 700 cars would have on our immediate area. The impact to Shamrock as our "beltway" around Killearn, is already extremely busy. Our lakes are in the process of being improved after a large amount of storm water damage and human use. Our intent is not for the KCC to fail.. we bought land based on living on this Country Club land which we would like to see remain intact.

Your attention to this proposed change is greatly appreciated.

Sincerely,

D-Ann and Craig Gassett craiggassett@aol.com
[850-570-2890](tel:850-570-2890)

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Gail Palo](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Gail Palo RE: Proposed Development of Myers Park Public Land
Date: Wednesday, January 18, 2017 5:15:07 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Gail Palo [mailto:gailpalo@gmail.com]
Sent: Sunday, January 15, 2017 4:09 PM
To: Gillum, Andrew
Subject: Proposed Development of Myers Park Public Land

Dear Mayor and City Commissioner,

I am very concerned with and opposed to the proposed plans to develop the Public Land in Myers Park. I moved to the neighborhood 20 years ago for its quiet and natural quality. I love being in the heart of downtown and still being able to enjoy an amazing amount of peace, quiet and nature. I believe the increased density of residents that would come with the proposed brownstones will significantly increase the noise and traffic, and decrease the quite, natural allure of the neighborhood. I also think it will decrease my property value for these same reasons. I understand the need for development in general and the economic pull for the city to sell land to make money rather than spend money to make public land further enhance the quality of our neighborhood, but I beg you to equally consider the residents of our neighborhood who have owned property here for many, many years and are strongly opposed to this type of development of Public Land in our backyard. You have an obligation as our elected officials to the residents of our neighborhood to consider our needs and requests.

Thank you in advance for taking pause to more carefully consider your proposal and the damage it will cause your constituents.

Sincerely,

Gail Palo
911 Carlton Dr.

Tallahassee, FL 32301
gailpalo@gmail.com
[850-566-6515](tel:850-566-6515)

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Glenda Rabby](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Glenda Rabby RE: City Parks, Recreation and Neighborhood Affairs Office parcel
Date: Wednesday, January 18, 2017 5:03:06 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Glenda Rabby [mailto:glendalice@gmail.com]
Sent: Tuesday, January 17, 2017 4:43 PM
To: Gillum, Andrew; Miller, Nancy; Maddox, Scott; Richardson, Curtis
Subject: City Parks, Recreation and Neighborhood Affairs Office parcel

Dear Mayor Gillum and Commissioners,

My name is Glenda Rabby and I have lived in Tallahassee for 40 years. I currently reside at 2636 Lucerne Drive in Leon County. I am writing to you today because of my concerns over the proposed sale and development of the City Parks, Recreation and Neighborhood Office and property. While I do not live in the historic Myers Park Neighborhood, I have enjoyed visiting the neighborhood many times. I also enjoy walking and spending time at our lovely Cascades Park. For over 30 years I worked in the downtown area and when possible, walked through the Myers Park neighborhood and beautiful old park during my lunch break. Occasionally, I stopped at the City Parks and Recreation building for a brief respite. I was shocked to learn that the city is considering selling and developing this parcel of public open-space and recreational land. This proposed action seems in direction contradiction to our city's Comprehensive Plan. In addition, the City Parks office provides important services to our community, and hardly seems to fall under the category of surplus property.

Along with many citizens in Tallahassee, I have been frustrated over the continuing conflict between the city government and the Myer's Park and Woodland Drive neighborhoods over the noise emanating from concerts

at the park's amphitheater. It seemed that the city and the Myer's Park Association had reached an agreement of sorts with the plans to build an abatement wall to help reduce unwanted noise from intruding in those neighborhoods. It now appears that this agreement is to be supplanted by a proposal to sell the above mentioned public land for development into condominiums or townhouses that will act as a noise barrier. This does not sound like good public policy for several reasons. Not only would the proposal destroy green park space and negatively impact the environment, it is dependent on the idea that people would buy expensive dwellings designed as a noise barrier for the amphitheater.

I appreciate all the good work that you and your staff do for our community. I am sure that you are carefully considering all of the possible solutions to this problem and to all the issues facing our city.

Thank you for your service.

Sincerely,

Glenda Rabby
2636 Lucerne Drive
Tallahassee, Fl. 32303

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Judith Rainbrook](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Judy Rainbrook RE: Please say No to selling public land to private developers
Date: Wednesday, January 18, 2017 5:02:33 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Judith Rainbrook [mailto:dragonpc@earthlink.net]
Sent: Tuesday, January 17, 2017 4:52 PM
To: Miller, Nancy; Fernandez, Rick; City Commission Office; Ziffer, Gil; Maddox, Scott; Richardson, Curtis; Gillum, Andrew
Cc: Grant Gelhardt
Subject: Please say No to selling public land to private developers

As a resident of the Indianhead neighborhood, I am aware that there have been some issues with noise from Cascades Park disturbing Myers Park residents. But I can't think of anyone in Meyers Park that I know who would think that selling off a 9.5-acre piece of property across the street from Myers Park and the Wade Wehunt pool to some developer to turn it into a densely packed complex of residences and commercial space would be any kind of improvement. It would, in fact, destroy the very character of this iconic neighborhood, not to mention demolish the historic Parks and Recreation building in that same parcel.

And then there is the issue of selling PUBLIC land to private developers. This is a VERY bad precedent. What next – a deal to sell off the greenway in Indianhead for development of high rises under the guise of improved water management? Or sell parts of Tom Brown Park under the guise of better traffic

management? This kind of thinking stinks. We need MORE public land, not less. We need BETTER development of low cost housing and MORE public space in many of our poorer neighborhoods far more than we need a bunch of high density housing on the edge of a public park and a park-like neighborhood. You were elected to serve ALL of Tallahassee's residents – not just the developers and the banks.

Somebody is trying to make a quick buck here. \$1.5 million is chicken feed. It wouldn't even pay for a new facility for the Parks and Rec offices and work buildings. JUST SAY NO.

Thanks for "listening."

Judy Rainbrook

I am only one, but I am one. I cannot do everything, but I can do something. And I will not let what I cannot do interfere with what I can do. Edward Everett

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Polly Johnson](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Polly Johnson RE: Killearn/mr. Tuck
Date: Wednesday, January 18, 2017 5:15:38 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Polly Johnson [mailto:psj401@gmail.com]
Sent: Sunday, January 15, 2017 2:17 PM
To: Gillum, Andrew
Subject: Killearn/mr. Tuck

The Honorable Mayor Gillum:

I most strongly object to Mr Tucks's request for a change in the comprehensive plan. Our neighborhood would suffer greatly from increased run off, pollution, school crowding, traffic congestion, and loss of serenity in a very quiet neighborhood that has sought to remain a haven from the busy world around us. This is solely a money grabbing plan ... Mr Tuck has proven to be a poor steward of the golf course so it is unlikely that this plan is favorable to anyone but him. Thank you. Polly S Johnson

From: [Wilcox, Barry](#)
To: [Calhoun, Sherri](#); [White, Artie](#); [Thomas, Debra](#)
Subject: FW: Killearn Country Club
Date: Friday, January 20, 2017 11:42:55 AM
Attachments: [image001.png](#)

Barry Wilcox, AICP, LEED ND AP

Division Manager

Tallahassee-Leon County Planning Dept.

Comprehensive Planning & Urban Design

850.891.6400 • barry.wilcox@talgov.com



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

From: arniew4@comcast.net [mailto:arniew4@comcast.net]
Sent: Friday, January 20, 2017 7:19 AM
To: Wilcox, Barry
Subject: Killearn Country Club

Dear Mr. Wilcox,

I am writing you to voice my support of Mr. Tuck's plan to make improvements to the Killearn Country Club. I reside on Shamrock St., E, across the street from the north nine course. I have been a member of Killearn CC for about 15 years. It appears to me that Killearn has lost a significant number of members to newer, more modern facilities such as Golden Eagle and Southwood. Along with that, I'm sure the ability to attract new members has been made difficult due to the outdated facilities. If not allowed to improve the facilities in order to compete, I'm afraid that the funds to keep the course up will be decreased and the course will continue on a down hill path which would be detrimental to the entire Killearn community. I ask that you support Mr. Tuck's plan to make Killearn Country Club a viable, modern facility that will something that we can all be proud of.

Very Respectfully,

Arnold Stearns
3202 Shamrock St., E.
Tallahassee, FL 32309

850-906-0855

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn Country Club
Date: Friday, January 20, 2017 9:54:57 AM

Please add to the record.

From: arniew4@comcast.net [mailto:arniew4@comcast.net]
Sent: Friday, January 20, 2017 7:20 AM
To: Thomas, Debra <Debra.Thomas@talgov.com>
Subject: Killearn Country Club

Dear Ms. Thomas,

I am writing you to voice my support of Mr. Tuck's plan to make improvements to the Killearn Country Club. I reside on Shamrock St., E, across the street from the north nine course. I have been a member of Killearn CC for about 15 years. It appears to me that Killearn has lost a significant number of members to newer, more modern facilities such as Golden Eagle and Southwood. Along with that, I'm sure the ability to attract new members has been made difficult due to the outdated facilities. If not allowed to improve the facilities in order to compete, I'm afraid that the funds to keep the course up will be decreased and the course will continue on a down hill path which would be detrimental to the entire Killearn community. I ask that you support Mr. Tuck's plan to make Killearn Country Club a viable, modern facility that will something that we can all be proud of.

Very Respectfully,

Arnold Stearns
3202 Shamrock St., E.
Tallahassee, FL 32309
850-906-0855

From: [Singleton, Lauren](#)
To: [Bryant, Cherie \(Planning\)](#); [Wilcox, Barry](#); [Calhoun, Sherri](#)
Subject: FW: Arnold Stearns RE: Killearn Country Club
Date: Friday, January 20, 2017 8:10:38 AM

Please see the email below.

Lauren Singleton
Senior Executive Assistant
City of Tallahassee
300 S. Adams Street
Tallahassee, FL 32301
850.891.8328

From: Whitaker, Angie **On Behalf Of** Gillum, Andrew
Sent: Friday, January 20, 2017 8:09 AM
To: arniew4@comcast.net
Cc: Tedder, Wayne; Singleton, Lauren; Van Pelt, Jamerson
Subject: Arnold Stearns RE: Killearn Country Club

Peace unto you Mr. Stearns,

This is to acknowledge receipt of your email and that it will be presented to Mayor Gillum and appropriate staff. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: arniew4@comcast.net [<mailto:arniew4@comcast.net>]
Sent: Friday, January 20, 2017 7:08 AM
To: Gillum, Andrew
Subject: Killearn Country Club

Dear Mayor Gillum,

I am writing you to voice my support of Mr. Tuck's plan to make improvements to the Killearn Country Club. I reside on Shamrock St., E, across the street from the north nine course. I have been a member of Killearn CC for about 15 years. It appears to me that Killearn has lost a significant number of members to newer, more modern facilities such as Golden Eagle and Southwood. Along with that, I'm sure the ability to attract new members has been made difficult due to the outdated facilities. If not allowed to improve the facilities in order to compete, I'm afraid that the funds to keep

the course up will be decreased and the course will continue on a down hill path which would be detrimental to the entire Killearn community. I ask that you support Mr. Tuck's plan to make Killearn Country Club a viable, modern facility that will something that we can all be proud of.

Very Respectfully,

Arnold Stearns
3202 Shamrock St., E.
Tallahassee, FL 32309
850-906-0855

From: [Bryan Desloge](#)
To: arniew4@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Friday, January 20, 2017 7:02:40 AM
Importance: High

Arnold, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <arniew4@comcast.net> 1/20/2017 6:41 AM >>>

Dear Commissioner Desloge,

I am writing you to voice my support of Mr. Tuck's plan to make improvements to the Killearn Country Club. I reside on Shamrock St., E, across the street from the north nine course. I have been a member of Killearn CC for about 15 years. It appears to me that Killearn has lost a significant number of members to newer, more modern facilities such as Golden Eagle and Southwood. Along with that, I'm sure the ability to attract new members has been made difficult due to the outdated facilities. If not allowed to improve the facilities in order to compete, I'm afraid that the funds to keep the course up will be decreased and the course will continue on a down hill path which would be detrimental to the entire Killearn community. I ask that you support Mr. Tuck's plan to make Killearn Country Club a viable, modern facility that will something that we can all be proud of.

Very Respectfully,

Arnold Stearns
3202 Shamrock St., E.
Tallahassee, FL 32309
850-906-0855

From: [Nick Maddox](#)
To: arniew4@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Wednesday, January 25, 2017 11:49:46 AM

Mr. Stearns,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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Please note that 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.

>>> <arniew4@comcast.net> 1/20/2017 6:48 AM >>>

Dear Commissioner maddox,

I am writing you to voice my support of Mr. Tuck's plan to make improvements to the Killearn Country Club. I reside on Shamrock St., E, across the street from the north nine course. I have been a member of Killearn CC for about 15 years. It appears to me that Killearn has lost a significant number of members to newer, more modern facilities such as Golden Eagle and Southwood. Along with that, I'm sure the ability to attract new members has been made difficult due to the outdated facilities. If not allowed to improve the facilities in order to compete, I'm afraid that the funds to keep the course up will be decreased and the course will continue on a down hill path which would be detrimental to the entire Killearn community. I ask that you support Mr. Tuck's plan to make Killearn Country Club a viable, modern facility that will something that we can all be proud of.

Very Respectfully,

Arnold Stearns

3202 Shamrock St., E.
Tallahassee, FL 32309
850-906-0855

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:02 PM
To: avaran3@yahoo.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates golf course home

Ava, thank you for contacting me about this issue. This comp plan amendment will come before the City and County in our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street on this specific project and I understand they have been meeting with a group of residents to try to mitigate concerns. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments below will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <avaran3@yahoo.com> 11/17/2016 11:41 AM >>>
FROM:"Ava O"Hollearn <avaran3@yahoo.com>

Greetings:

Please, please do not grant Mr. Tucks' request to change the land use designation of the NE section of the Killearn Country Club golf course (commonly referred to as the Narrows).

Many of us bought our homes in Killearn Estates without knowing that Mr. Tuck could change the dynamic our neighborhood, in its entirety, were he ever to feel so compelled.

Currently, our neighborhood is beautiful, safe, and home to peoples of all ages. Were there to be an influx of traffic, noise, and loss of green space those of us who relish our lifestyles we're paying taxes to enjoy would no longer exist.

We bought our home, of a large sum of money, planning to stay into retirement. We read the bylaws word for word before submitting our offer to the previous owners. It's shocking to now have to realize that our fate is in the hands of those who don't know us, and probably care little about how difficult relocating would be.

I'm begging you to please decline Mr. Tuck's request.

Sincerely,
Ava O'Hollearn

This message sent from the Leon County Website:

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:08 PM
To: mctrips@yahoo.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killlearn CC Rezoning
Attachments: Notice PCM201702revised2.doc

Roger and Julia, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, to alter, or as with you and your wife to not approve it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <mctrips@yahoo.com> 11/17/2016 7:16 AM >>>
FROM:"Roger McDonald <mctrips@yahoo.com>

Commissioners;

I oppose the re-zoning as presented. I see no reason to increase the population density of the Narrows areas through rezoning. I live at the corner of Jonathans Landing and Golf Course/Tyron surrounded by the golf course, trees and detached single family homes. The addition of more single family homes as my neighbors would be acceptable but NOT apartments. I have many concerns over increasing the density along Golf Course/Tyron Road from Shamrock North to the country club such as noise and traffic. This area should maintain the current zoning to maintain housing in the same likeness as the long established Pebble Creek subdivision. Increasing the density with apartments, for example, would result in significant devaluation of my property.

Respectfully,
Roger & Julia McDonald

This message sent from the Leon County Website: www.leoncountyfl.gov

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30.PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7	Local Planning	Local Planning		

Renee Adriouse
3042 Fernmore Drive
Tallahassee, FL 32309

TALLAHASSEE FL 323

07 NOV 2016 PM 3 L

Tallahassee - Leon County Planning Dept.
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301

32301#1731

Calhoun, Sherri

From: forshay@polaris.net
Sent: Thursday, November 17, 2016 3:32 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Paul
- **Last Name:** Forshay
- **Street Address:** 3413 Aqua Ridge Way
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** forshay@polaris.net
- **Comments:** I am a member of Killearn Country Club. I have been a member since 1992 and having been a traveling man, have seen many golf clubs, both public and private and understand that the buildings now existing at Killearn are badly in need of removal and replacement. The economic situation facing all golf club owners today requires “thinking outside the box” to raise capital and cut costs in operations to continue to operate. Killearn is no exception, and Barton Tuck has done his “thinking”. Mr. Tuck has come up with a plan that makes sense for the club, the members, the Killearn Community, and the City of Tallahassee. We don’t want to lose this beautiful land to development or unused land should this club ever go bankrupt. Golf course closures from financial instability totaled 800 in the U.S. over the last 10-year period. This plan is the way to keep Killearn Country Club from being included in future closure counts. Therefore, I am favoring this plan even as I know that there will be a few homeowners that will be affected by this zoning. The benefits of the many, however, outweigh the displeasure of the few. Please do what is best for the many.

Calhoun, Sherri

From: pacurtis117@gmail.com
Sent: Tuesday, November 15, 2016 1:38 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Patricia
- **Last Name:** Curtis
- **Street Address:** 3061 Bay Shore Drive
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** pacurtis117@gmail.com
- **Comments:** The proposed downgrading of land use and zoning requested by Barton N. Tuck (Amendment PCM201702) would have dramatic and long-lasting negative impact on Tree Harbour, a neighborhood of about 110 single family homes located opposite Site E, also known as the North Course. I've lived happily in Tree Harbour for nearly 20 years, secure in the knowledge that my home and neighborhood were protected by the Killearn Golf Course from heavy traffic and future development. Now, my so-called "golden years" are threatened by a proposal that could ultimately result in construction of 350 apartment units immediately across from the entrance to Tree Harbour. Development of a high-density apartment complex would have the following consequences for me and my neighbors:
 - Generation of heavy traffic on Bay Shore Drive, a narrow, winding two-lane road designed only for local traffic. Bay Shore is already being used as a shortcut to Shannon Lakes and then to Thomasville Road. Few observe our 25 mph speed limit. Because of its several blind turns, most of us have experienced close calls with school buses and other vehicles.
 - A sharp increase in runoff into Lake Killarney, already an endangered body of water. Despite the city's installation of culverts and enlarged drainage pipes a few years ago, the lake continues to be a recipient of heavy runoff from the golf course and Kilrush during heavy rains.
 - Depreciation of our property values and quality of life. Our neighborhood provides affordable housing for seniors like me, young families buying their first homes and others. Some of the value of our homes is tied to our location across from Lake Killarney and near the golf course. If the value of our homes were to depreciate, many of us could not afford to buy other homes. There are simply too few affordable housing options in Tallahassee and none I've found that offer an equivalent quality of life to what we have in Tree Harbour. Further, Tuck's proposal would forever change the nature of the entire north end of Killearn, one of the first planned unit developments in Florida and a model for the rest of the state. We look to our land use plan and zoning regulations to protect our neighborhoods. Why would city and county officials allow a development that would cause so much damage to our community for the sake of one man's profit? I urge you to reject these proposed comp and zoning ordinance amendment requests. Thank you.

Calhoun, Sherri

From: mbachtel1@gmail.com
Sent: Monday, November 14, 2016 8:57 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Michelle
- **Last Name:** Bachtel
- **Street Address:** 3011 Shamrock North
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** mbachtel1@gmail.com
- **Comments:** We bought our house in 2011 on a golf course expecting it would remain as the covenants state as a recreational open space. The proposed zoning changes as described (Site E) are incompatible with the terms under which our property was purchased, and we have every right to expect that future land use will be maintained in this fashion. Otherwise, our property rights are being taken against our will. In addition, the increase in traffic and congestion will destroy the character of Killearn.

Calhoun, Sherri

From: moodym@gtlaw.com
Sent: Wednesday, November 16, 2016 10:48 PM
To: Miller, Nancy
Cc: Fernandez, Rick; Ingram, M'Lisa
Subject: Re: Hello Commissioner Miller

Thank you! My address is 4039 Kilmartin Drive. I made a complaint via code enforcement via facsimile. A few neighbors have spoken to folks as well and made complaints, and I can find out names they have spoken with. I am told the apartment complex type facility behind the green on No. 2 made contact with the city and so did KHA. The response seems to be that this is a no mans land that is out of everyone's control. It seems to me that the provisions of the code that deal with lands not designated as conservation lands must apply, and that there must be some city approved plan for this lake to have ever been constructed. Thus the city must be able to require it be maintained. Thank you so much for your email and all that you do. You are a great representative of our city.

Sent from my iPhone

> On Nov 16, 2016, at 8:42 PM, Miller, Nancy <Nancy.Miller@talgov.com> wrote:

>

> Mike,

> Apparently this property and the pond belong to the golf course owner and is under his control. If it were a homeowner's private yard, it should be under the jurisdiction of Code Enforcement, but as it is a golf course, I'm not sure. I will look into it and it would be helpful to me if you can share who you have spoken to at the city or what department you talked to so that I can follow the trail. Surely the owner has some level of responsibility for the appearance of this property whether it is a closed golf course or not. Also I need your address.

>

> As to the Comp Plan, the amendment process is extensive, with a number of public hearings and commission workshops covering many months. Please contact the Planning Department and request that they notify you of each public hearing. If you have trouble finding the number, please call my aide, M'Lisa Ingram, at 891-8179 and she will help you.

>

> Nancy Miller

> Tallahassee City Commissioner, Seat 3

> (850) 891-8179

>

> Sent from my iPad

>

>> On Nov 16, 2016, at 3:29 PM, "moodym@gtlaw.com" <moodym@gtlaw.com> wrote:

>>

>> Commissioner Miller,

>>

>> I hope you are doing well. I'm one of the residents who lives on the closed "North Course" of the Killearn Country Club. While I have a list of concerns generally about the proposed comprehensive plan amendment for Killearn, the concern I am writing you about is more narrow. In short, we have a problem with the maintenance of the pond behind our home, and neither the Killearn Home Owners Association nor the City of Tallahassee have responded to numerous complaints about the condition of the pond from myself and my neighbors.

>>

>> My home is located off of No. 2 green on the closed course. This green is supposed to be surrounded by a manicured waste water pond. One picture of the pond from when the course was open is attached. Since the course's closure, the

pond that is supposed to be surrounding the green has become stagnant, filled with debris and garbage, and overgrown with vegetation. Two pictures of the swamp-like pond as it exists today are attached for comparison to how it appeared when the course was open.

>>

>> As a result of the swamp-like condition we have had to endure not only unsightliness, but also a much higher number of snakes and mosquitos in the area. My wife and I found no less than 3 snakes inside of our home in the last month, and my neighbors have each experienced similar problems with snakes inside and around their homes.

>>

>> Many of my neighbors have explained to me that they have filed complaints regarding the pond with both the Killearn Home Owners Association and to the City of Tallahassee. I am also told that the Killearn Home Owners Association in turn directly filed a code enforcement complaint with the City regarding this pond. However, it appears that all of these complaints have hit dead ends. According to the Executive Director of the Killearn Home Owners Association, and several board members I spoke with, the response from the City of Tallahassee was that the City could not mandate the condition of this pond because the land was unplatted. Further, the Killearn Home Owners Association said it could not do anything more to help since the former golf course lands are not lands the KHA can control.

>>

>> In short, I think everyone agrees this pond is a problem, but nobody seems to want to step up and require something to happen to fix it. You always do an outstanding job as our commissioner, and I figured if anyone knew who to contact, or how to get this moving, it would be you.

>>

>> In addition, I'll be happy to summarize my concerns regarding the proposed comprehensive plan amendment by separate email or discussion, if it would be of value to you. Based on the number of folks who appeared at a Killearn Home Owners' meeting last night regarding the comp plan changes, I am certain you will be hearing from plenty of folks in the near future.

>>

>> Thanks!

>>

>>

>> - Mike

>>

>> Michael Moody

>> Associate

>> Greenberg Traurig, P.A. | 101 East College Avenue | Tallahassee, FL

>> 32301

>> Tel: 850.222.6891

>> Direct: 850.425.8544

>> moodym@gtlaw.com<mailto:moodym@gtlaw.com> |

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

>>

>> [Greenberg Traurig]

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SACRAMENTO · SAN FRANCISCO · SEOUL* · SHANGHAI · SILICON VALLEY · TALLAHASSEE · TAMPA · TEL
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>> STRATEGIC ALLIANCE WITH AN INDEPENDENT LAW FIRM MILAN · ROME PLEASE

>> CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

>>

Calhoun, Sherri

From: m.illers@centurylink.net
Sent: Thursday, November 17, 2016 2:09 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Michael
- **Last Name:** Illers
- **Street Address:** 3872 Paddrick Drive
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** m.illers@centurylink.net
- **Comments:** I am a resident of Killearn Estates, own a residence on the former "North Course" and am a long time (29 years) member of Killearn Country Club. I support the rezoning submitted as long as there is an appropriate buffer on the North end of Site E. There are many condos, zero lot line homes and apartments within a short distance of Site E. Only a few (21 by my count) single family homes North of Site E are impacted and a buffer would mostly eliminate the exposure to any new development.

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Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning	Local Planning	9:00 AM	Renaissance Center 2nd Floor



TALLAHASSEE FL 323
07 NOV 2016 PM 3 T



Tall- Leon County Planning Dept
Attn: Comprehensive Planning Division
300 S. Adams St
Tall FL 32301

3230131737



on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Mark Fahey Amendment # PCM201702

I/We as owner(s) of property at this address: 3017 O'Brien Dr wish the information below to be considered by the Local Planning Agency and the City/County Commissions: I object to the large development of area E. It will totally change the character of the area. It will create significant increase in traffic. It will create down pressure on property values in the area more so than the current golf course char. already has.

SIGNED:

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:11 PM
To: Mark@boutinvaluation.com
Cc: Bryant, Cherie (Planning); Calhoun, Sherri
Subject: Re: Killlearn golf course
Attachments: Notice PCM201702revised2.doc

Mark, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <Mark@boutinvaluation.com> 11/16/2016 9:30 PM >>>
FROM:"Mark Boutin <Mark@boutinvaluation.com>

Time to renovate this great golf course been way too long for us members. Course was here before the subdivision I know my Dad appraised it in the 1960s please help

This message sent from the Leon County Website: www.leoncountyfl.gov

April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3024 Shamrock South wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

It is detrimental to property values to rezone land for low cost housing.
It will lower every one else's prop. value to accommodate some one who wants
to increase their property value for resale! Owner could sell property as is.
 SIGNED: Margaret R. Trimmell - These do not rezone!

Could we build apt. houses in our front & back yards to make \$\$?

Listed below are the scheduled workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

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February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
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If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3050 Shamrock St. N wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Killearn cannot handle the additional traffic from high density development - Shamrock is already virtually a speedway and law enforcement cannot seem to stop it. Current residents
SIGNED [Signature] I. Burn deserve the quality of life promised by current zoning, which our properties were purchased.

It is not the city/county responsibility to bail out a man who does not even live here and who has hurt Killearn Self & Country financially by his own poor management - and to do this at the expense of property owners who have invested their hard-earned dollars in our homes is a travesty.

Calhoun, Sherri

From: ldstorm@comcast.net
Sent: Wednesday, November 16, 2016 11:12 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Lisa
- **Last Name:** Storm
- **Street Address:** 3008 O'Brien Drive
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** ldstorm@comcast.net
- **Comments:** Thank you for your time and allowing our comments and concerns to be heard. We are opposed to the Future Land Use Map changed amendment in Killearn Estates due to the density of the development, the infrastructure, traffic, storm water and most importantly the quality of life. We are concerned about the potential adverse affects it could have on property values as well as the changes in integrity of the existing neighborhood in which we purchased over 20 years ago which was Recreation/Open Space. Please consider these issues when reviewing the proposed changed amendment and what we believed along with the natural beauty of our neighborhood would always be protected.
Sincerely, Lisa Storm

From: [Bryan Desloge](#)
To: fbl3584@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Golf Course rezoning
Date: Saturday, November 19, 2016 1:45:02 PM

Linda, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <fbl3584@yahoo.com> 11/18/2016 2:05 PM >>>
FROM:"Linda Franklin <fbl3584@yahoo.com>

Please Do Not even consider rezoning Killearn Golf Course for multiple family and apartment buildings. I built a 3500 sq ft home on a golf course lot, as required, in a high end area of Killearn Estates. Now the owner Barton Tuck, from South Carolina, is trying to ruin our neighborhood by putting multifamily homes on the golf course land in our backyard. Mr Tuck has never done anything to keep up his obligation as the owner of the golf course to keep it up to the standards it should be. He is not a resident of our beautiful city and has no care or interest in doing the right thing for our community.

Killearn cannot handle having 700-1000 extra cars on our roads. The danger alone to the residents is terrifying. We have always had a flooding problem and the addition of what he is planning will be disastrous to Killearn. Mr. Tuck has not been open and honest with anyone in Killearn. He is working behind the scenes to try and convince our local government to slip this by with no concern to the residents. He has never been honest with the people of Killearn.

Killearn was built with the promise of always having a 27 hole golf course for the community. Mr. Tuck has done the same scam in other states with none of his promises ever being fulfilled. He is not to be trusted to ever do what he promises and will leave our city with the results of his bad behavior .

Just consider how you would feel if it was you who had bought a golf course lot, built an expensive home with a beautiful view, to have it taken away, apartments and multi family homes built, and your property values plummet .

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: ltmartineau@embarqmail.com
Sent: Thursday, November 17, 2016 12:01 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Leah
- **Last Name:** Martineau
- **Street Address:** 4451 Bayshore Circle
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** ltmartineau@embarqmail.com
- **Comments:** The proposed downgrading of land use and zoning requested by Barton N. Tuck (Amendment PCM201702) would have dramatic and long-lasting negative impact on the Tree Harbour neighborhood within Killearn Estates. Our neighborhood consists of about 110 single family homes located opposite Site E, also known as the North Course. Development of a high-density apartment complex opposite the entrance to our neighborhood would have the following consequences for our neighborhood: -Generation of heavy traffic on Bay Shore Drive, a narrow, winding two-lane road designed only for local traffic, and which always has cars parked on both side of the street, effectively making it one-lane. Bay Shore is already being used as a shortcut to Shannon Lakes and then to Thomasville Road. Few observe our 25 mph speed limit. Because of its several blind turns, most of us have experienced close calls with school buses and other vehicles. - A marked increase in runoff into Lake Killarney, already an endangered body of water. Despite the City's installation of culverts and enlarged drainage pipes a few years ago, the lake continues to be a recipient of heavy runoff from the golf course and Kilrush during heavy rains. -Depreciation of our property values and quality of life. Our neighborhood provides affordable housing for seniors, young families, and single moms like myself. Some of the value of our homes is tied to our location across from Lake Killarney and near the golf course. If the value of our homes were to depreciate due, many of my neighbors could not afford to buy other homes. -I chose Tree Harbour because it was a quiet, secluded community with small lots, creating a neighborhood that is cohesive and communal. Having an influx of hundreds of cars and people into our quiet safe haven will completely disrupt our way of life and our safety as we walk our dogs, exercise, and ride our bikes. I urge you to reject Barton Tuck's proposal for land use and zoning changes.

Calhoun, Sherri

From: laurie.a.davis@centurylink.net
Sent: Thursday, November 10, 2016 10:09 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Laurie
- **Last Name:** Davis
- **Street Address:** 3042 Shamrock St N
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** laurie.a.davis@centurylink.net
- **Comments:** Killearn Estates is a community of approximately 3800 households. The submitted request by Mr. Tuck claims changing the FLUM designation of a portion of the golf course to R-4 meets the minimum requirements for enhancing the community in Leon County with minimal environmental impact. This is hogwash. The distances he outlines in Attachment 10 are completely inaccurate. He claims the CVS is 1.75 miles away, but the Walmart, which is across the street from the CVS, is only 1 mile away. He claims the Publix is 2 miles away when it is more. Did Mr. Tuck or his representative actually compute how far residents have to travel to reach facilities. It doesn't appear so. This misrepresentation of facts is typical of how Mr. Tuck operates. Residents in Killearn Estates do NOT have walkable access to public transport or access to facilities without use of a vehicle. This means development of the property will place an additional 500 to 700+ vehicles on roads not designed, equipped, or meant to handle the type of traffic they are already accommodating (Shamrock Streets North, South, East and West). Mr. Tuck's plan is to put housing for over 1,000 additional people in a neighborhood where people purchased property reflecting the character of a single family home community - not one with sirens from nursing homes or apartment buildings. It is CRITICAL that Mr. Tuck's history be investigated before this matter proceeds any further. He has made promises very similar to the one he is making here (improve golf course facilities with money obtained from sale of land), and YEARS LATER, those communities are still waiting for their improvements. The land in question has drainage issues. How will this be impacted by additional population of this size? Schools may very well be unable to handle additional load. There is a lis pendens already on record and active court cases making their way through the courts. Should the plaintiffs prevail, any sale will be null and void. Mr. Tuck has demonstrated his complete disregard for due process and what is best for the residents and the community as a whole, using the "bait" of a shiny, new clubhouse to rally the support of 200 golfers. What does he care if there are an additional 700 cars speeding in front of our homes at 50 MPH in a 30 MPH zone? What does he care if exiting the neighborhood onto Thomasville Road in the mornings takes ANOTHER 15 minutes? After all, he lives in South Carolina. I speculate his insistence on moving forward despite resistance from the residents this development would affect is because he owes the balance of what I believe was a short-term mortgage he took out, thinking his sale would occur and he would have the money to pay the money back. After all, this is what happened in the other communities he did this in. He did not count on the level of education and commitment the Killearn Estates community has to preserving the character of their neighborhood and protecting their property values. I am hoping those responsible will perform a complete and thorough investigation of this man's motivations and historical actions and will NOT recommend the county and city commissioners vote to make any changes to the FLUM designation for the property in question. It is very tempting to compute

enriching the coffers with any additional tax and other revenue the county and city would obtain from development. However, there are other places to develop. Doing so smack in the middle of the interior of a residential neighborhood is inappropriate. When Mr. Tuck purchased the property, he KNEW it was a golf course and he KNEW how the land was designated. It is not the responsibility of the other 1000 residents of Killearn Estates to ensure this man's profitability. Wanting to change the zoning to benefit 200 golfers and while negatively impacting thousands of residents is ludicrous. If the golfers and Mr. Tuck want to build a new clubhouse and improve their course, let them come up with solutions themselves. Don't try to turn around the profitability of a business you have bled dry for 40 years on the backs of the people who purchased property of a certain nature and type. I am praying the recommendation to the commissioners will be to NOT vote on any changes to the comprehensive plan to satisfy this man's greed.

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:03 PM
To: ken.howes@aol.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Country Club
Attachments: Notice PCM201702revised2.doc

Ken, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to disapprove the project, alter it, as well as those who are for it, such as you and your wife. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <ken.howes@aol.com> 11/17/2016 7:20 AM >>>
FROM:"Ken Howes <ken.howes@aol.com>

My wife and I fully support what Barton Tuck is trying to do to improve Killearn Country Club. Please keep an open mind as you all decide to do what is in the best interest of the majority of residents in this area, as opposed to the minority of people that are opposed to his plan. Thank you all for what you do.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: aerobat_tlh@msn.com
Sent: Thursday, November 17, 2016 1:54 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Keith
- **Last Name:** Howell
- **Street Address:** 3009 Shamrock Street South
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** aerobat_tlh@msn.com
- **Comments:** The Killearn Country Club has a poor track record of maintaining their property. My concern is that if given approval, they will sell the subject property and pocket the money. It's rare when the country club spends any money on the property. They have treated the property as a "cash cow". I have lived across the street and have witnessed the decline of the property over the past 30 years

From: kathy_cochran08@comcast.net
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Monday, November 21, 2016 4:29:43 AM

- **Amendment:** PCM201702 Map
- **First Name:** Kathy
- **Last Name:** Cochran
- **Street Address:** 4134 Arklow Drive
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** kathy_cochran08@comcast.net
- **Comments:** My property is within 1000 feet of the proposed rezoning area, and I am 100% AGAINST allowing the Killearn Golf Course to be rezoned. It will cause my property value to decrease. Please do not allow this rezoning.

Calhoun, Sherri

From: tazmania59@gmail.com
Sent: Thursday, November 17, 2016 1:45 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Kathleen M. Grobe
- **Last Name:** Grobe
- **Street Address:** 4427 Bayshore Circle
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** tazmania59@gmail.com
- **Comments:** As a resident of Tree Harbour, I respectfully request that you deny the downgrading of land use and zoning requested by Barton N. Tuck. We are a small community of narrow streets with no sidewalks; thus people walk and walk their pets in the streets. Traffic cutting through the neighborhood is already heavy, and it is not unusual for drivers to ignore the speed limit. It can be dangerous to walk in our neighborhood and the proposed change would only make it more so. The heavy runoff into Lake Killarney also would increase substantially and would only worsen the lake's already-shaky condition. All of this would, I believe, depreciate the value of not only my home but homes throughout the neighborhood. Homeowners with lakefront property would suffer most, but all of us would pay the price of declining value of our homes. Once again I urge you to reject this proposed downgrading of land use and zoning.

Calhoun, Sherri

From: karenallinder3072@comcast.net
Sent: Thursday, November 10, 2016 4:04 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Karen
- **Last Name:** Allinder
- **Street Address:** 3072 White Ibis Way
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** karenallinder3072@comcast.net
- **Comments:** I am writing to state my displeasure with the proposed land use changes being requested by the owner of the Killearn Golf and Country Club. I live on one of the holes that will be affected by these changes. Mr. Tuck knew he was buying a 27 hole golf course and just because he made a bad financial investment does not give him the right to negatively affect my investment and property value. This would significantly change our lifestyle and we request that the board reject any and all changes being requested. Thank you for your consideration in the representation of all of us who live in Killearn.

From: [Bryan Desloge](#)
To: pccjoebev@centurylink.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Golf Course
Date: Saturday, November 19, 2016 1:46:40 PM
Attachments: [Notice_PCM201702revised2.doc](#)

Joseph, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to disapprove the project, some to alter, as well as those like yours in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

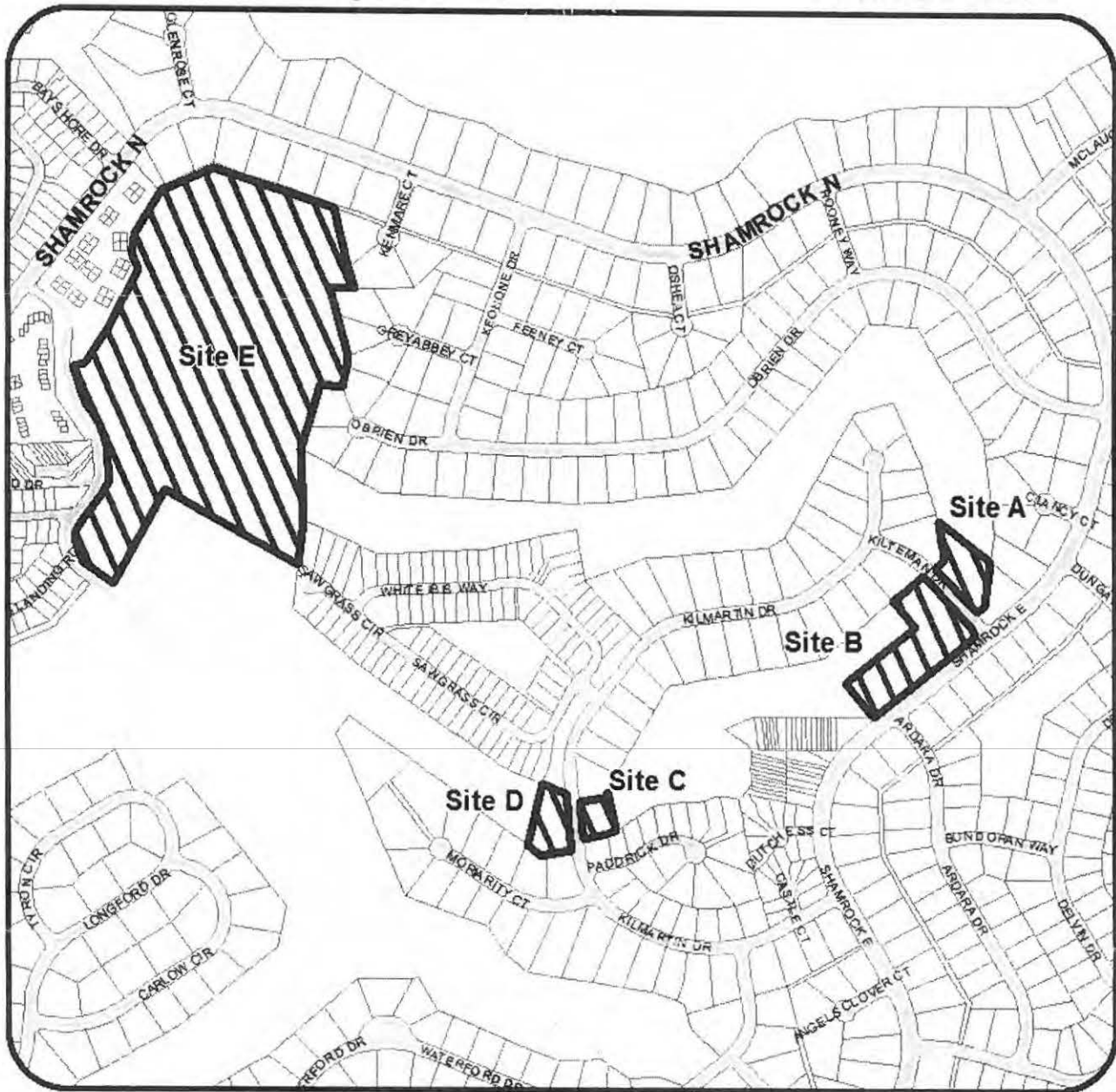
Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <pccjoebev@centurylink.net> 11/17/2016 3:57 PM >>>
FROM:"Joseph Wood" <pccjoebev@centurylink.net>

I support the plan proposed by the owner of Killearn Golf Club, Mr. Barton Tuck. I think his plan will improve the quality of golf in the Northeast/Killearn area. I would be concerned, however, if multi-family, high rise apartments would be built on the property he wishes to develop. A less dense residential area would be acceptable.

If the litigation and other delays continue unending, the reality is that the present club will deteriorate rapidly, with the possibility that it will close, so I urge as speedy a process as possible to resolve this issue.

This message sent from the Leon County Website: www.leoncountyfl.gov



LOCATION MAP

Requested Map Amendment: Killearn Country Club

Reference Number: PCM201702

Applicant: Barton N. Tuck Jr.

This is a request to change the Future Land Use Map (FLUM) designation of five areas (shown with dark hatched marks on the map) of the Killearn Golf and Country Club from Recreation/Open Space to Urban Residential (Site E) and Residential Preservation (Sites A, B, C, & D). The combined area to be changed is approximately 40.9 acres. The applicant has stated that he is requesting this amendment to help finance improvements to Killearn Golf and Country Club.

The current Recreation/Open Space FLUM allows for active or passive recreational facilities, golf courses, historic sites, forests, cemeteries, or wildlife management areas. The proposed FLUM categories of Residential Preservation and Urban Residential would allow for a mix of residential housing types. The Residential Preservation category would allow for single-family houses, townhomes, and duplexes at a maximum density of 6 (six) units per acre. The proposed Urban Residential designation would allow single-family houses, townhomes, and multi-family dwellings at a maximum density of 10 (ten) units per acre.

A rezoning application has been filed concurrent with this amendment. The subject sites are currently zoned Residential Preservation -1 (RP-1) and Residential Preservation-2 (RP-2). The proposed rezoning request would change site “E” of the amendment from RP-1 and RP-2 to Single, Two-Family & Multi Family Residential (R-4), approximately 35 acres. The areas identified as sites “A, B, C, and D” on the map would retain their current Residential Preservation-1 zoning, approximately 5.9 acres:

Please direct questions regarding this amendment to Debra Thomas.

To view information on this amendment, go to <http://www.talgov.com/planning/> and click on the “Comprehensive Plan Amendment Cycle 2017” icon located on the left blue menu bar.

NOTICE OF A REQUESTED AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

**Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404**

I/We as owner(s) of property at this address: 3105 Tippecanoe Dr. Amendment # **PCM201702** wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

We support the request of Brian Tuck Jr to change the F-40M designation to F-40U the importance to K. K. Tuck Jr. (H.S.)
SIGNED: John Kelly (John Kelly), John R. Kelly

3105 Tippecanoe Dr.
NOV 14 4 59 PM '16
TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
RECEIVED

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 11:57 AM
To: jhendry101@aol.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates golf course home
Attachments: Notice PCM201702revised2.doc

John, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <jhendry101@aol.com> 11/17/2016 11:15 AM >>>
FROM:"John C Hendry <jhendry101@aol.com>

We purchased our home in Killearn because we wished to be on the golf course and also because of the increased value of golf course living. The value of all golf course properties will dramatically decrease when sections of the course are removed and multi-family units are built. Do not let this happen!

This message sent from the Leon County Website: www.leoncountyfl.gov

From: jessicaloyd11@gmail.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Friday, November 18, 2016 1:21:41 PM

- **Amendment:** PCM201701 Map
- **First Name:** Jessica
- **Last Name:** Loyd
- **Street Address:** 3020 Bayshore Dr.
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** jessicaloyd11@gmail.com
- **Comments:** I would like to voice my concerns about the possibility of the rezoning of land requested by Barton Tuck. I live in Tree Harbor, a quiet neighborhood with narrow streets. We can't afford any more through traffic for the safety of our children who like to play outside and those (myself included) who walk their pets. Our roads are windy, with many blind spots. I am also concerned about increased runoff further damaging our lakes. They already have issues. I am on a committee to improve our lakes, they are very important to me and other residents of our neighborhood. We want to keep our neighborhood beautiful, quiet, and safe. Thank you for your consideration.

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:12 PM
To: meadowsj020@comcast.net
Cc: Bryant, Cherie (Planning); Calhoun, Sherri
Subject: Re: Killearn estates golf course
Attachments: Notice PCM201702revised2.doc

Jane, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <meadowsj020@comcast.net> 11/16/2016 9:19 PM >>>
FROM:"Jane D. Granger Meadows <meadowsj020@comcast.net>

As a resident of Killearn, I protest the effort to change the land use of the golf course (the Narrows) to multi family housing. Please preserve the golf course for the benefit of property owners and the integrity of the neighborhood. Thank you!

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: meadowsj020@comcast.net.com
Sent: Wednesday, November 16, 2016 9:26 PM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Killearn estates golf course

FROM: meadowsj020@comcast.net.com

DATE: 11/16/2016 09:26:28 PM

SUBJECT: Killearn estates golf course

AS a Killearn resodent, I am NOT in favor of changing the land use designation of the 45 acre golf course (the Narrows). Please preserve the golf course for the property owners and for the integrity of the neighborhood. Thank you! Jane D. Granger Meadows 2812 Whittington Drive

TALLAHASSEE FL 323

14 NOV 2016 PM 3 T



TALLAHASSEE - LEON COUNTY PLANNING DEPT.
ATTN: COMPREHENSIVE PLANNING DIVISION
300 SOUTH ADAMS STREET
TALLAHASSEE, FLORIDA 32301

Tallahassee-Leon County Planning Department

ATTN: Comprehensive Planning Division

300 South Adams Street

Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3038 FEENEY COURT wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

PLEASE DO NOT CHANGE FROM CURRENT STATUS.

PLEASE KEEP AS RECREATION / OPEN SPACE FLUM.

SIGNED:

Ja Middlebrooks Jr.

M

Harold Miller
4053 Kilmartin Dr.
Tallahassee, FL 32309-2862



Tallahassee - Leon County Planning Dpt
Attn: Comprehensive planning Division
300 South Adams St.
Tallahassee, FL 32301

32301\$1731 0004



Tallahassee, Florida 32301
Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 4053 Kilmartin Drive wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

please do not let any of these proposed changes
pass. please keep the golf course area just that or
SIGNED: Michelle Miller

just a green
space or
better yet
SELL!

Calhoun, Sherri

From: fqvroom@comcast.net
Sent: Monday, November 14, 2016 2:09 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Fred
- **Last Name:** Vroom
- **Street Address:** 2801 Edenderry Drive
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** fqvroom@comcast.net
- **Comments:** Please vote "No" on the request to change the Future Land Use Map of the Killearn Golf and Country Club, site "E". Approving the request could add 350 families and 350 to 700 more cars to an area that is frequently congested now. Approving the request will damage our quality of life and damage our property values. As a resident of Killearn Estates for the last 42 years please vote "No" on the rezoning request. We are an All-American city; we want our city to be beautiful, not over-crowded and ugly. Fred Vroom 2801 Edenderry Drive Tallahassee, Florida

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:10 PM
To: fqvroom@comcast.net
Cc: Bryant, Cherie (Planning); Calhoun, Sherri
Subject: Re: Comprehensive Plan Changing Land Use Killearn Estates
Attachments: Notice PCM201702revised2.doc

Fred, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364

deslogeb@leoncountyfl.gov

>>> <fqvroom@comcast.net> 11/17/2016 6:42 AM >>>

FROM:"Fred Vroom <fqvroom@comcast.net>

Please vote â?oNoâ? on the request to change the Future Land Use Map of the Killearn Golf and Country Club, site "E". Approving the request could add 350 families and 350 to 700 more cars to an area that is frequently congested now. Approving the request will damage our quality of life and damage our property values. As a resident of Killearn Estates for the last 42 years please vote â?oNoâ? on the rezoning request. We are an All-American city; we want our city to be beautiful, not over-crowded and ugly.
Fred Vroom
2801 Edenderry Drive
Tallahassee, Florida

This message sent from the Leon County Website: www.leoncountyfl.gov

**Comments/Documents Submitted at the 2017 Amendment Cycle Open House
November 17, 2016**

First American Title Insurance Company has issued an advisor its issuing agents and offices., FL – 2015–0012 Advisory concerning private or semi private golf courses, parks and other recreational areas.

The purpose is "to advise agents that there is inherent risk involved in insuring lands involving a golf course or other recreational area converted to another use."

The advisory addresses any "transaction involving the closure or intent to close a golf course or other recreational area."

In the advisory it states "The Company considers transactions involving the re-development of private or semi-private golf courses, parks, lake or other recreational areas to be extra hazardous risk."

It goes on to say "Sometimes the claim is made that re-development violates agreements, express or implied, recorded or unrecorded, that constituted an inducement to purchase or some properties adjacent to the golf course or situated elsewhere in the same planned community."

I will obtain and provide a copy of that advisory in full to you for your file. It will place you further on notice that any sane title insurer will exclude coverage to consequences of claims raised by owners of interests in land surrounding the golf course, that they hold rights that affect the development or prevent the owner from operating the subject property in any manner other than as a golf course.

(Emphasis supplied)

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 1:20 PM
To: Ethrasherjr@gmail.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates
Attachments: Notice PCM201702revised2.doc

Elwin, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it such as yours. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <Ethrasherjr@gmail.com> 11/17/2016 1:09 PM >>>
FROM:"Elwin Thrasher <Ethrasherjr@gmail.com>

My name is Elwin Thrasher, Jr.. I am a registered voter who has lived in Tallahassee since 1973. I have lived at and owned the residence at 3021 O'Brien Drive in Killearn Estates since 1995. Prior to that I owned and lived in another home in Killearn Estates for 17 years. My present home abuts what used to be the sixth hole of the north course. Now, since the north course has been closed, it abuts a weedway even though the taxing authorities call it a greenway. The closure and current condition of the land is part of Mr. Tuck's scheme to bring pressure on the owners to support his request. As far as this owner is concerned it has failed. It merely demonstrates what he considers a conservation easement will look like in the future if his request is granted.

As you know, Barton Tuck, the owner of the entity that owns the golf course property in Killearn has asked that portions of the golf course be re-zoned to allow construction of single family residences on some portions of the course and multi-family units on a larger section. Mr. Tuck is not a resident of Florida. He owns golf courses in other states. There is a pattern of failure of his golf courses and of his failure to honor his word.

Killearn Estates was established as a golf course community. Through the incapable management of Mr. Tuck and his minions the golf course, the inn, and the club house fell into disrepair. As a result membership fell drastically and it continues to fall. This does not mean it must always be so. More capable management would make all the difference.

Should Mr. Tuck's request to re-zone be granted, any hope of continuing Killearn Estates as designed as a golf course community will end and the values of all of the homes in Killearn will be diminished, especially those which abut the north course. If the re-zoning request is granted, the area now known as the north course will be chopped up so that it cannot be restored as a golf course.

I encourage you to deny the re-zoning request. This will allow an opportunity for others who are more competent to purchase the golf course and return it to its former self. To do otherwise will lead to the diminishment of Killearn Estates and its value to the owners, the City and the County.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:01 PM
To: donniepwatts@gmail.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Fwd: proposed comp plan change by Barton Tuck for Narrows on Killlearn golf course
Attachments: Notice PCM201702revised2.doc

Donnie, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, to alter it, as well as those against it, such as yours. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <"donniepwatts@gmail com"> 11/17/2016 12:23 PM >>>
FROM:"Donnie (Doris) Watts <donniepwatts@gmail com>

I live on #3 fairway on Narrows, I bought property on the golf course & my property value will be negatively impacted if no longer golf course property. How will I be compensated if comp plan is revised to allow development? Respectfully submitted, Donnie (Doris) Watts

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: donniepwatts@gmail.com
Sent: Thursday, November 17, 2016 2:47 AM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - proposed comp plan change to 'Narrows' in Killearn Estates

FROM: donniepwatts@gmail.com

DATE: 11/17/2016 02:47:21 AM

SUBJECT: proposed comp plan change to 'Narrows' in Killearn Estates

Dear Commissioners, I own property that is on the 3rd fairway of the Killearn golf course. I am very concerned about loss of property value due to Barton Tuck's lack of upkeep & request to change the comp plan to allow development of the Narrows portion of Killearn golf course. I bought property adjacent to golf course property & would be directly impacted by any change to comp plan. Donnie (Doris) Watts

Comments/Documents Submitted at the 2017 Amendment Cycle Open House
November 17, 2016

Recorded indicia of a common plan or scheme of development which included a 27-hole golf course feature.

The beginnings of the common chain of title for Killearn Estates:

The 1966 development loan informs of a large scale common plan or scheme of development:

Evidence of "common scheme of development" in the "chain of title" is embodied in express release provisions of Mortgage with Prudential Insurance recorded in Official Record 222, page 182, at 185. [discuss]

A pattern of restrictive covenants was used to implement the scheme of development, and protect the common grantor's primary marketing vehicle – the Golf Course:

The common grantor employed a pattern of subjecting every subdivision (or unplatted townhome or condominium development) by the common grantor to a uniform ad seriatim set of recorded covenants in the common chain of title which run with the land, are express as to protection of the Golf Course (which was being reserved to the ownership of the common grantor), expressly burden lands sold to common vendees for the benefit of all vendees in all subdivisions or developments, as well as the common grantor, and give and vest rights by recorded instrument in all common vendees within the properties "commonly known as Killearn Estates" in order to, among other things, create "a residential community with permanent parks, lakes, playgrounds, open spaces and other common facilities for the benefit of said community."

In repeatedly imposing and recording this pattern of restrictions the common grantor declared, among other things, (1) the intent and desire "to provide for preservation of values and amenities in said community", (2) the intent to subject each subdivision or development to these repeated uniform covenants and restrictions, (3) the right to add additional subdivisions and properties to these restrictions, for (4) the independent "benefit of said property and each owner thereof", such that (5) all such real property subjected by the common grantor to each and every restriction as recorded "shall be held, transferred, sold, conveyed, and occupied subject to "the covenants and restrictions", and (6) so that all such Declarations of Covenants and Restrictions "shall interlock all rights" of "the record owner[s], whether one or more persons or entities," of "the fee simple title to" the lands subjected to the various recorded covenants by the common grantor over time (7) "to the end that all rights resulting" to such common vendees and their successors "shall be uniform as between all units of Killearn Estates."

*attached e.g.
OR 745-491*

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KILLEARN ESTATES

RESIDENTIAL

DECLARATION OF COVENANTS AND RESTRICTIONS

STATE OF FLORIDA,
COUNTY OF LEON,

RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
IN THE BOOK & PAGE NO.
OCT 30 4 38 PM 1975
AT THE TIME & DATE NOTED
PAUL ECHARTS FIELD
CLERK OF CIRCUIT COURT

343-111

KNOW ALL MEN BY THESE PRESENTS, That this Declaration of Covenants and Restrictions, made and entered into on this 29th day of October, A.D. 1975, by KILLEARN PROPERTIES, INC., a Florida corporation, hereinafter referred to as "Developer",

WITNESSETH:

WHEREAS, Developer is the owner of the real property commonly known as Killearn Estates and desires to create therein a residential community with permanent parks, lakes, playgrounds, open spaces, and other common facilities for the benefit of the said community; and,

WHEREAS, Developer desires to provide for the preservation of the values and amenities in said community and for the maintenance of said parks, lakes, street lights, playgrounds, open spaces, and other common facilities, and, to this end, desires to subject the real property described in Exhibit "A" together with such additions as have been or may hereinafter be made thereto (as provided in Article I) to the covenants, restrictions, easements, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and,

WHEREAS, Developer has deemed it desirable, for the efficient preservation of the values and amenities in said community, to create an agency to which should be delegated and assigned the powers of maintaining and administering the community properties and facilities and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created; and,

WHEREAS, Developer has incorporated under the laws of the State of Florida, as a non-profit corporation, KILLEARN HOMES ASSOCIATION, for the purpose of exercising the functions aforesaid;

NOW, THEREFORE, the Developer declares that the real property described in Exhibit "A", and such additions thereto as may hereafter be made pursuant to Article I hereof, is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions") hereinafter set forth.

ARTICLE I
PROPERTY SUBJECT TO THIS DECLARATION

Section 1. Existing Property. The real property which is, and shall be, held, transferred, sold, conveyed, and occupied subject to this Declaration is located in Leon County, Florida, contains 5.09 acres more or less, and is more particularly described in Exhibit "A" attached hereto.

Section 2. Additional properties in Killearn Estates may become subject to this Declaration by recordation of additional declarations containing essentially the same substance as the instant indenture in the sole discretion of Developer. Any subsequent Declarations of Covenants and Restrictions shall interlock all rights of Members to the Association to the end that all rights resulting to Members of the Killearn Homes Association shall be uniform as between all units of Killearn Estates.

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ARTICLE II
DEFINITIONS

Section 1. The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

- (a) "Association" shall mean and refer to the Killearn Homes Association, Inc.
- (b) "Board" shall mean and refer to the Board of Directors of the Killearn Homes Association, Inc.
- (c) "Building" shall include, but not limited to, both the main portion of such building and all projections or extensions thereof, including garages, outside platforms and docks, carports, canopies, enclosed malls, porches, walls, docks, and fences.
- (d) "Committee" shall mean and refer to the Architectural Control Committee.
- (e) "Common Properties" shall mean and refer to those areas of land shown on any recorded subdivision plat of The Properties and intended to be devoted to the common use and enjoyment of the owners of The Properties.
- (f) "Improvements" shall mean and include structures and construction of any kind, whether above or below the land surface, such as, but not limited to, buildings, out-buildings, water lines, sewers, electrical and gas distribution facilities, loading areas, parking areas, walkways, wells, fences, hedges, mass plantings, entrance ways or gates and signs.
- (g) "Living Area" shall mean and refer to those heated and/or air conditioned areas which are completely finished as living area and which shall not include garages, carports, porches, patios or storage areas.
- (h) "Living Unit" shall mean and refer to any portion of a building situated upon The Properties designed and intended for use and occupancy as a residence by a single family.
- (i) "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article XXXI, Section 1, hereof.
- (j) "Multifamily Structure" shall mean and refer to any building containing two or more Living Units under one roof, or when the density of Living Units exceeds five per acre.
- (k) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any site situated upon The Properties but, notwithstanding any applicable theory of the mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.
- (l) "Site" shall mean a portion or contiguous portions of said property, which accommodate a single use or related uses under single control. After improvement to the site providing for residential use, "site" shall mean each residential living unit and its adjoining property. In areas zoned for single-family use, "site" shall mean and refer to any plot of land shown upon any recorded subdivision map of The Properties, with the exception of Common Properties as heretofore defined.
- (m) "The Properties" shall mean and refer to all such existing properties, and additions thereto, as are subject to this Declaration or any Supplemental Declaration under the provisions of Article I, hereof.

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ARTICLE III
GENERAL PROVISIONS

Section 1. Duration. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by The Association, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds of the sites has been recorded, agreeing to change said covenants and restrictions in whole, or in part, provided, however, that no such agreement to change shall be effective unless made and recorded three (3) years in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every Owner at least ninety (90) days in advance of any action taken.

Section 2. Notices. Any notice required to be sent to any Member or Owner, under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears as Member or Owner on the records of the Association at the time of such mailing.

Section 3. Enforcement. Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; and failure by the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4. Severability. Invalidation of any one of these covenants or restrictions by judgement or court order shall in no wise affect any other provision which shall remain in full force and effect.

ARTICLE IV
AMENDMENT OF DECLARATION OF COVENANTS
AND RESTRICTIONS

The Developer reserves and shall have the sole right (a) to amend these covenants and restrictions for the purpose of curing any ambiguity in or any inconsistency between the provisions contained herein, (b) to include in any contract or deed or other instrument hereafter made any additional covenants and restrictions applicable to the said land which do not lower standards of the covenants and restrictions contained herein, and (c) to release any building plot from any part of the covenants and restrictions which have been violated (including, without limiting the foregoing, violations of building restriction lines and provisions hereof relating thereto) if the Developer, in its sole judgement, determines such violation to be a minor or insubstantial violation. With the concurrence of the owners of two-thirds of the property described in Article I, Section 1, the Developer may amend, alter, modify or delete any portion of these covenants and restrictions.

ARTICLE V
ADDITIONAL COVENANTS AND RESTRICTIONS

No property owner, without the prior written approval of the Developer, may impose any additional covenants or restrictions on any part of the land described in Article I, hereof.

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ARTICLE VI
ARCHITECTURAL CONTROL

No improvement, as defined herein, shall be commenced, erected or maintained upon The Properties nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted in duplicate to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by an architectural control committee. The Architectural Control Committee shall have the absolute and exclusive right to refuse to approve any such building plans and specifications and site grading and landscaping plans which are not suitable or desirable in its opinion for any reason, including purely aesthetic reasons connected with future development plans of the Developer of said land or contiguous lands.

ARTICLE VII
ARCHITECTURAL CONTROL COMMITTEE

Membership. The Architectural Control Committee is composed of two members to be appointed by the Developer and a third party to be appointed by the Association. A majority of the committee may designate a representative to act for it. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

Procedure. The Committee's approval, disapproval, or waiver as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with. At least ten (10) days prior to the commencement of construction, such plans and specifications shall be submitted to the Committee and shall consist of not less than the following: foundation plans, floor plans of all floors, section details, elevation drawings of all exterior walls, roof plan and plot plan showing location and orientation of all buildings and other structures and improvements proposed to be constructed on the building plot, with all building restriction lines shown. In addition, there shall be submitted to the Committee for approval, a description of materials and such samples of building materials proposed to be used as the Committee shall specify and require.

ARTICLE VIII
LAND USE AND BUILDING TYPE

No site shall be used except for residential and recreational purposes. Except in areas zoned for multi-family use, no building of any type shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height. When the construction of any building is once begun, work thereon shall be prosecuted diligently and continuously until the full completion thereof. The main residence and attached structures shown on the plans and specifications approved by the Committee must be completed in accordance with said plans and specifications upon each building plot unless such completion is rendered impossible as the direct result of strikes, fires, national emergencies or natural calamities.

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ARTICLE IX
TEMPORARY STRUCTURES

No structure of a temporary character, basement, tent, shack, garage, barn or other outbuilding of any type shall be located on any site at any time, except during approved construction.

Except in areas zoned for multi-family use, boats, trailers, campers, or other vehicles shall be parked or stored within the garage or placed behind the residence; however, in no event shall the vehicles be visible from the street which runs in front of the property.

ARTICLE X
SINGLE-FAMILY LOT AREA AND WIDTH

No dwelling shall be erected or placed on any single-family site having a width of less than 80 feet at the place the dwelling is proposed to be erected nor shall any dwelling be erected or placed on any site having an area of less than 12,000 square feet.

ARTICLE XI
SINGLE-FAMILY DWELLING QUANTITY AND SIZE

The ground floor area of the main structure of single-family dwelling, exclusive of one-story porches, garages, carports, and patios shall be not less than the area specified in Exhibit "B", included herein.

In the event a structure contains more than one story, the ground floor must contain not less than 1,200 square feet and must be completely finished as living area, and at least 600 square feet of the second floor must be completely finished as living area. However, the total square footage must equal or exceed that of the required one story dwelling.

ARTICLE XII
BUILDING LOCATION

(a) No building shall be located on any site nearer to the front property line, rear property line, or nearer to the side street line than the minimum building setback lines specified on any recorded plat or site plan. In any event, no building shall be located on any site nearer than 40 feet to the front property line, or nearer than 20 feet to any side property line, or as otherwise specified by the Committee.

(b) No single-family dwelling shall be located nearer than 15 feet to an interior property line and must be at least 30 feet from an existing adjacent house. No single-family dwelling shall be located on any interior site nearer than 50 feet to the rear line.

(c) No driveway shall be located nearer than 5 feet to an interior property line except a back-up turn-around pad may be located as near as one foot to a property line.

(d) Except as otherwise provided herein, no fence of any kind shall be placed or constructed nearer to the front property line than the building setback line or the front corner of the residence, whichever is greater. No fence shall be located nearer than 2 inches to an interior property line.

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(e) No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site which has a rear property line adjacent to the Golf Course property. No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site which has a rear property line adjacent to a lake except that a fence may be constructed within 5 feet of and parallel to each side property line and extending to the rear property line.

(f) For the purpose of this covenant, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building to encroach upon another site.

ARTICLE XIII
LAND NEAR PARKS AND WATER COURSES

No building shall be placed nor shall any material or refuse be placed or stored on any site within 20 feet of the property line of any park or edge of any open water course, except that clean fill may be placed nearer, provided that the natural water course is not altered or blocked by such fill.

ARTICLE XIV
EXTERIOR STRUCTURE MATERIALS

The exterior structure material of exterior walls of dwellings must be at least two-thirds (2/3) brick or stone masonry, unless specifically waived in writing by the Committee.

ARTICLE XV
GARAGES AND CARPORTS

Each Living Unit, except a multi-family structure, shall have a functional carport or garage attached to the residence which shall be screened on sides which are visible from the street, which runs in front of or adjacent to the property, in such a manner that objects located within the carport shall present a broken and obscured view from the outside thereof. All garage and carport entrances shall face the rear property line or a side property line that is not adjacent to a street. In no instance shall the entrance be permitted to face the front property line of the property.

ARTICLE XVI
DRIVEWAY AND WALKWAY CONSTRUCTION

All driveways shall be constructed of concrete or "hot mix" asphalt. Where curbs are required to be broken for driveway entrances, the curb shall be repaired in a neat and orderly fashion and in such a way to be acceptable to the Committee. Except in areas zoned for multi-family use, all walkways and sidewalks shall be constructed of concrete and have a minimum width of 30 inches.

ARTICLE XVII
UTILITY CONNECTIONS AND TELEVISION ANTENNAS

All house connections for all utilities including, but not limited to, water, sewerage, electricity, telephone and television shall be run underground from the property connecting points to the building structure in such manner to be acceptable to the governing utility authority and the Committee.

Exterior radio and television antenna installations must be approved in writing by the Committee.

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ARTICLE XVIII
WATER SUPPLY

No individual water supply system of any type shall be permitted on any site unless approved in writing by the Committee.

ARTICLE XIX
SEWAGE DISPOSAL

No individual sewage disposal system shall be permitted on any site unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of the State of Florida and the Leon County Health Departments. Approval of such system as installed shall be obtained from such department or departments.

ARTICLE XX
GARBAGE AND REFUSE DISPOSAL

No site shall be used, maintained, or allowed to become a dumping ground for scraps, litter, leaves, limbs, or rubbish. Trash, garbage or other waste shall not be allowed to accumulate on the property and shall not be kept except in sanitary containers installed in such a manner to be acceptable to the Committee. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

ARTICLE XXI
WINDOW AIR-CONDITIONING UNITS

No window air-conditioning units shall be installed in any side of a building, and all exterior heating and/or air-conditioning compressors or other machinery shall be located to the rear of the residence and not be visible from the street, in such a manner to be acceptable to the Committee.

ARTICLE XXII
MAIL BOXES

No mail box or paper box or other receptacle of any kind for use in the delivery of mail or newspapers or magazines or similar materials shall be erected or located on any building plot unless and until the size, location, design and type of material for said boxes or receptacles shall have been approved by the Committee. If and when the United States mail service or the newspaper or newspapers involved shall indicate a willingness to make delivery to wall receptacles attached to the residence, each property owner, on the request of the Committee, shall replace the boxes or receptacles previously employed for such purpose or purposes with wall receptacles attached to the residence.

ARTICLE XXIII
SIGNS

No sign of any kind shall be displayed to the public view on any site except one sign of not more than five square feet advertising the property for sale or rent. All signs must be approved in writing by the Committee.

ARTICLE XXIV
PROTECTIVE SCREENING

Protective screening areas are or shall be established as shown on the plat. Except as otherwise provided herein regarding street intersections under "Sight Distance At Intersections", plantings, fences or walls shall be maintained throughout the entire length of such areas by the owner or owners of the sites at their own

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expense to form an effective screen for the protection of the residential area. No building or structure except a screen fence or wall or utilities or drainage facilities shall be placed or permitted to remain in such areas. No vehicular access over the area shall be permitted except for purpose of installation and maintenance of screening, utilities and drainage facilities.

ARTICLE XXV
SIGHT DISTANCE AT INTERSECTIONS

No fence, wall, hedge or shrub planting which obstructs sightlines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the property lines extended. The same sightline limitations shall apply within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

ARTICLE XXVI
EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each site and all improvements in it shall be maintained continuously by the owner thereof, except for those improvements for which a public authority or utility company is responsible.

ARTICLE XXVII
BRIDLE TRAIL USE

Bridle trail areas, if any, shown on the recorded plats of Killearn Estates, are to be used only for such purpose, and for utility construction and maintenance. Bridle trails are to be kept clear of fences, shrubbery, gates and cattle crossings, leaves, grass trimmings, limbs or other refuse, and are to be kept in a manner to make possible the use of the bridle trails for horseback riding. In no instance shall the bridle trails be used as an access to carports, garages and driveways.

ARTICLE XXVIII
LIVESTOCK AND POULTRY

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any site, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose and, further, provided they are not allowed to wander or roam freely about the neighborhood.

ARTICLE XXIX
OIL AND MINING OPERATIONS

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any site, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any site. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, or maintained for any commercial purpose.

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ARTICLE XXX
NUISANCES

No noxious or offensive activity shall be carried on upon any site, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood or tend to damage or destroy either private or public property.

ARTICLE XXXI
MEMBERSHIP AND VOTING RIGHTS
IN THE ASSOCIATION

Section 1. Membership. Every person or entity who is a record owner of a fee or undivided fee, interest in any site which is subject to covenants of record to assessment by the Association, shall be a member of the Association, provided that any such person or entity who holds such interest merely as a security for the performance of an obligation shall not be a member. The requirement of membership shall not apply to any mortgagee or third person acquiring title by foreclosure or otherwise, pursuant to the mortgage instrument, or those holding by, through or under such mortgagee or third person. The record owner may, at his option, designate that the occupant of a residential Living Unit be the member in his stead.

Section 2. Voting Rights. The Association shall have two classes of voting membership:

Class A. Class A Members shall be all those owners as defined in Section 1 with the exception of the Developer. Class A Members shall be entitled to one vote for each single-family site, and, in the case of a multi-family site, one-half ($\frac{1}{2}$) vote for each residential Living Unit in which they hold the interests required for membership by Section 1. When more than one person holds such interest or interests in any site, all such persons shall be Members, and the vote for such site shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any such site.

Class B. Class B Members shall be the Developers. The Class B Member shall be entitled to two votes for each site in which it holds the interest required for membership by Section 1, provided that the Class B membership shall cease and become converted to Class A membership when the total votes outstanding in the Class A membership equals the total votes outstanding in the Class B membership, at which time the Class B membership shall be determined to be a Class A membership and entitled to vote as such.

ARTICLE XXXII
PROPERTY RIGHTS IN THE COMMON PROPERTIES

Section 1. Members' Easements of Enjoyment. Subject to the provisions of Section 3, every Member shall have a right and easement of enjoyment in and to the Common Properties and such easement shall be appurtenant to and shall pass with the title to every site.

Section 2. Title to Common Properties. The Developer may retain the legal title to the Common Properties until such time as it has completed improvements thereon and until such time as, in the opinion of the Developer, the Association is able to maintain the same but, notwithstanding any provision herein, the Developer hereby covenants, for itself, its successors and assigns, that it shall convey the Common Properties to the Association not later than the 1st day of January 1985.

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Section 3. Extend of Members' Easements. The rights and easements of enjoyment created hereby shall be subject to the following:

(a) the right of the Developer and of the Association, in accordance with its Articles and By-Laws, to borrow money for the purpose of improving the Common Properties and in aid thereof to mortgage said properties. In the event of a default upon any such mortgage, the lender shall have a right, after taking possession of such properties, to charge admission and other fees as a condition to continued enjoyment by the Members and, if necessary, to open the enjoyment of such properties to a wider public until the mortgage debt is satisfied, whereupon the possession of such properties shall be returned to the Association and all rights of the Members hereunder shall be fully restored; and,

(b) the right of the Association, as provided in its Articles and By-Laws, to suspend the enjoyment rights of any Member for any period during which any assessment remains unpaid, and for any period not to exceed thirty (30) days for any infraction of its published rules and regulations; and,

(c) the right of the Association to charge reasonable admission and other fees for the use of the Common Properties; and,

(d) the right of the Association to dedicate or transfer all or any part of the Common Properties to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members, provided that no such dedication or transfer, determination as to the purpose or as to the conditions thereof, shall be effective, unless an instrument signed by Members entitled to cast two-third (2/3) of the votes irrespective of class of membership has been recorded, agreeing to such dedication, transfer, purpose or condition, and unless written notice of the proposed agreement and action thereunder is sent to every Member at least ninety(90) days in advance of any action taken; and

(e) the rights of Members of the Association shall in no wise be altered or restricted because of the location of the Common Property in a Unit of Killearn Estates in which such Member is not resident. Common Property belonging to the Association shall result in membership entitlement, notwithstanding the Unit in which the site is acquired, which results in membership rights has herein provided.

ARTICLE XXXIII
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Developer, for each site owned by him within the Properties, hereby covenants and each Owner of any site by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, be deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements, such assessments to be fixed, established, and collected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collections thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with such interest thereon and cost of collection thereof as hereinafter provided, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents in The Properties and in particular for the improvement and maintenance of properties, services and facilities devoted to the

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purpose and related to the use and enjoyment of the Common Properties and of the homes situated upon The Properties, including, but not limited to, the payment of taxes and insurance thereon and repair, replacement, and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof.

Section 3. Basis and Maximum of Annual Assessments. Until the year beginning January, 1973, the annual assessment shall be Thirty Dollars (\$30.00) per site. From and after January 1, 1973, the annual assessment may be increased by vote of the Members, as hereinafter provided, for the next succeeding three (3) years, and at the end of each such period of three (3) years for each succeeding period of three (3) Years. Any Member paying the annual dues on or prior to June 1 of the year in which same becomes due, shall be entitled to pay only the sum of Twenty-four Dollars (\$24.00). From and after June 1 of each year, the annual dues shall be Thirty Dollars (\$30.00). The assessment for any multi-family Living Units shall be one-half ($\frac{1}{2}$) of the assessment specified herein.

The Board of Directors of the Association may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

Section 4. Special Assessment for Capital Improvements. In addition to the annual assessments authorized by Section 3 hereof, the Association may levy in any assessment year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the Common Properties, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds ($\frac{2}{3}$) of the votes of Class A Members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all Members at least thirty (30) days in advance and shall set forth the purpose of the meeting.

Section 5. Change in Basis and Maximum Amount of Annual Assessments. Subject to the limitations of Section 3 hereof, and for the periods therein specified, the Association may change the maximum amount and basis of the assessments fixed by Section 3 hereof prospectively for any such period, provided that any such change shall have the assent of two-thirds ($\frac{2}{3}$) of the votes irrespective of class of Members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all Members at least thirty (30) days in advance and shall set forth the purpose of the meeting, provided further that the limitations of Section 3 hereof shall not apply to any change in the maximum amount and basis of the assessments undertaken as an incident to a merger or consolidation in which the Association is authorized to participate under its Articles of Incorporation and under Article I, Section 2 hereof.

Section 6. Quorum for any action authorized under Sections 4 and 5. The quorum required for any action authorized by Sections 4 and 5 hereof shall be as follows:

At the first meeting called, as provided in Sections 4 and 5 hereof, the presence at the meeting of Members, or of proxies, entitled to cast sixty (60) percent of all votes of the membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in Sections 4 and 5 hereof, and the required quorum at any such subsequent meeting shall be one-half ($\frac{1}{2}$) of the required quorum at the preceding meeting, provided that no such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

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Section 7. Date of Commencement of Annual Assessments. Due Dates. The annual assessments provided for herein shall commence on the date (which shall be the first day of a month) fixed by the Board of Directors of the Association to be the date of commencement. No assessment shall be due until all promised improvements have been completed by the Developer and Warranty Deeds issued. Assessments for multi-family structures or units will not commence until completion of the construction of the structures.

The first annual assessments shall be made for the balance of the calendar year and shall become due and payable on the day fixed for commencement. The assessments for any year, after the first year, shall become due and payable on the first day of April of said year.

The amount of the annual assessment which may be levied for the balance remaining in the first year of assessment shall be an amount which bears the same relationship to the annual assessment provided for in Section 3 hereof as the remaining number of months in that year bear to twelve. The same reduction in the amount of the assessment shall apply to the first assessment levied against any property which is hereafter added to the properties now subject to assessment at a time other than the beginning of any assessment period.

The due date of any special assessment under Section 4 hereof shall be fixed in the resolution authorizing such assessment.

Section 8. Duties of the Board of Directors. The Board shall fix the date of the commencement, and the amount of the assessment against each site, for each assessment period at least thirty (30) days in advance of such date or period and shall, at that time, prepare a roster of the properties and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any Owner. Written notice of the assessment thereupon shall be sent to every Owner subject thereto.

The Association shall, upon demand, furnish at any time to any Owner liable for said assessment, a certificate in writing signed by an officer of the Association, setting forth whether said assessment has been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 9. Effect of Non-payment of Assessment: The Personal Obligation of the Owner; The Lien; Remedies of Association. If the assessments are not paid on the date when due (being the dates specified in Section 7 hereof), then such assessment shall become delinquent and shall, together with such interest thereon and cost of collection thereof, as hereinafter provided, thereupon becoming a continuing lien on the property which shall bind such property in the hands of the then Owner, his heirs, devisees, personal representatives and assigns. The personal obligation of the then Owner to pay such assessment, however, shall remain his personal obligation for the statutory period and shall not pass to his successors in title unless expressly assumed by them.

If the assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the rate of six (6) percent per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same or to foreclose the lien against the property, and there shall be added to the amount of such assessment the cost of such action. In the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and a reasonable attorney's fee to be fixed by the Court, together with the costs of the action.

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Section 10. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be absolutely subordinate to the lien of any first mortgage now or hereafter placed upon the properties subject to assessment. This subordination shall not relieve such property from liability for any assessments now or hereafter due and payable, but the lien thereby created shall be secondary and subordinate to any first mortgage as if said lien were a second mortgage, irrespective of when such first mortgage was executed and recorded.

Section 11. Exempt Property. The following property subject to this Declaration shall be exempted from the assessments, charges and liens created herein: (a) all properties to the extent of any easement or other interest therein dedicated and accepted by the local public authority and devoted to public use; (b) all Common Properties as defined in Article 2 hereof; (c) all properties exempted from taxation by the laws of the State of Florida, upon the terms and to the extent of such legal exemption.

Notwithstanding any provisions herein, no land or improvements devoted to dwelling use shall be exempt from said assessments, charges or liens.

ARTICLE XXXIV
EXTERIOR MAINTENANCE

Section 1. Exterior Maintenance. In addition to maintenance upon the Common Properties, the Association shall have the right to provide maintenance upon vacant sites and shall have the right to provide maintenance upon every improved site which is subject to assessment under Article 8 hereof. Such maintenance may include paint, repair, replace and care of roofs, gutters, downspouts, exterior building surfaces, and other exterior improvements. Such maintenance as to a vacant site may include the mowing of grass and weeds, the trimming of shrubs, or the removal of trash and litter.

Section 2. Assessment of Cost. The cost of such maintenance shall be assessed against the site upon which such maintenance is done and shall be added to and become part of the annual maintenance assessment or charge to which such site is subject under Article 33 hereof and, as part of such annual assessment or charge, it shall be a lien against said property as heretofore defined and limited, and a personal obligation to the Owner, as heretofore limited, and shall become due and payable in all respects as provided in Article 33 hereof.

ARTICLE XXXV
LAKES, BOATS AND DOCKS

Section 1. Boats. Boats may be powered only by an outboard electric motor having a maximum of three (3) horsepower and shall be maintained and operated at all times in a safe manner according to the safety rules established by the Outboard Boating Club of America, U. S. Coast Guard, or other similar organizations.

Section 2. Landscaping. The dumping, filling, excavation, planting of spreading-type vines or other foliage, fencing, or the cutting of trees having a diameter of three (3) inches or more which would change the configuration of the shoreline or disturb the appearance and natural beauty of the shore within fifty (50) feet of the water's edge is prohibited.

Section 3. Dock Height. Docks shall be constructed perpendicular to the shoreline of any lake and be not more than one foot above the crest of the bank along the shoreline and in no event higher than two feet above the established water level.

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Section 4. Dock Size and Shape. Docks shall have a flat, unobstructed surface constructed of wood and a rectangular shape not to exceed twenty-five (25) feet in length and six (6) feet in width which shall be supported by either concrete or wood pilings, or as otherwise specified by the Committee.

Section 5. Dock Appearance. All wooden surfaces shall be painted and maintained so as to blend architecturally with the residence and the environment and present a neat, orderly and well-kept appearance in a manner to be acceptable to the Architectural Control Committee.

Section 6. Prohibitions. Diving platforms, floating docks, oil drums, other buoyant objects or materials, ladders, hand railing, overhead electrical wiring, fishing methods employing the use of other than a hand-held device, and boat houses are specifically prohibited on any residential site abutting a lake.

Section 7. Swimming. No swimming shall be permitted from any area deeded to the Killearn Homes Association, Inc. Any owner of a site or sites abutting upon Lake Killarney, Lake Kanturk or any other lake who swim or permit others to swim from such site or sites shall do so at their own risk. Neither Killearn Properties, Inc. nor Killearn Homes Association, Inc. assume any responsibility for the purity of the water in Lake Killarney and Lake Kanturk or any damage resulting from their use.

Section 8. Authority and Responsibility. It shall be the sole responsibility of the Association to maintain the aesthetics of all lakes, the discharge of which jurisdiction shall entitle said Association to go on and upon all lakes for the purpose of performing its responsibilities to the members and contributing owners.

Section 9. Permission to Improve. Permission is given to Killearn Properties, Inc., its successors or assigns, to enter upon all lakes and install or otherwise construct any docks, ramps, pumping, drainage and well facilities, and to improve all lakes. Permission to undertake such construction is granted by each purchaser of property bordering any lake.

Section 10. For all single family sites fronting on any lake, and for multi-family Living Units which are a part of a tract fronting on any lake, the annual assessment in Article XXXIII shall be one hundred fifty (150) percent of the annual assessment applicable to other sites.



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5.09 acres situate in Leon County, Florida viz:

Commence at the Northwest corner, also the most Westerly corner of Lot 1, Block "B" of Kimberton Unit No. 1, a subdivision as per map or plat thereof, recorded in Plat Book 6, Page 5 of the Public Records of Leon County, Florida, said point lying on the Southeasterly right-of-way boundary of an 80.0 foot roadway known as Shamrock North, said point also lying on a curve concave to the Southeasterly, run thence Southwesterly along said right-of-way curve with a radius of 382.12 feet, through a central angle of 04 degrees 29 minutes 59 seconds, for an arc distance of 30.01 feet (the chord of said arc being South 41 degrees 26 minutes 38 seconds West 30.00 feet), run thence South 38 degrees 12 minutes 03 seconds West along said right-of-way, a distance of 45.62 feet to the POINT OF BEGINNING. From said Point of Beginning and leaving said right-of-way run South 43 degrees 26 minutes 01 second East 180.05 feet, run thence South 31 degrees 31 minutes 47 seconds West 193.04 feet to a point on a curve concave to the Easterly, run thence Southwesterly and Southeasterly along said curve with a radius of 300.00 feet, through a central angle of 36 degrees 48 minutes, for an arc distance of 192.68 feet (the chord of said arc being South 03 degrees 23 minutes 20 seconds East 189.39 feet), run thence South 28 degrees 01 minute 37 seconds West 304.16 feet, run thence South 33 degrees 07 minutes 12 seconds West 202.38 feet, run thence South 77 degrees 20 minutes 36 seconds West 73.51 feet, run thence North 05 degrees 20 minutes 22 seconds East 172.38 feet, to a point of curve to the left, run thence along said curve with a radius of 128.55 feet, through a central angle of 57 degrees 08 minutes 19 seconds, for an arc distance of 128.20 feet, run thence North 51 degrees 47 minutes 57 seconds West 120.00 feet to a point of curve to the right, run thence along said curve with a radius of 30.00 feet, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 47.12 feet to said Southeasterly right-of-way boundary of Shamrock North, run thence North 38 degrees 12 minutes 03 seconds East along said right-of-way boundary, a distance of 683.95 feet to the POINT OF BEGINNING; containing 5.09 acres, more or less.

EXHIBIT "A"

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EXHIBIT "B"
DWELLING QUANTITY AND SIZE

Pursuant to the provisions of Article XI, the ground floor area of a single-story structure shall not be less than the following:

Lots fronting on or adjacent to:

- | | |
|---------------------|-------------------|
| (a) Lake Kinsale: | 2,000 square feet |
| (b) Lake Killarney: | 2,000 square feet |
| (c) All other lots: | 1,400 square feet |



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IN WITNESS WHEREOF, said corporation has caused this instrument to be signed in its name by its President and its corporate seal to be hereunto affixed and attested by its Secretary, this 29th day of October, A.D. 1975.



KILLEARN PROPERTIES, INC.

By: _____

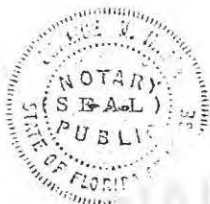
J. T. Williams Jr.
Its President

Its Secretary

STATE OF FLORIDA
COUNTY OF LEON:

Before me personally appeared J. T. Williams Jr. and Arleta Kerr, to me well known, and known to me to be the individuals described in and who executed the foregoing instrument as President and Secretary of the above named KILLEARN PROPERTIES, INC., a Florida corporation, and severally acknowledged to and before me that they executed such instrument as such President and Secretary respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

Witness my hand and official seal this 29th day of October, A.D. 1975.



Juanita M. Hagan
NOTARY PUBLIC

My Commission Expires: 1-29-79
Notary Public, State of Florida at Large.
My Commission Expires Jan. 29, 1979.



Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 1:23 PM
To: sheparddf@gmail.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Proposed Killearn Rezoning

David, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it, such as yours. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <sheparddf@gmail.com> 11/17/2016 12:58 PM >>>
FROM:"David Shepard <sheparddf@gmail.com>

I would like to respectfully request that the proposed Killearn rezoning proposal be rejected. The Killearn community was built to encompass single family homes surrounding lakes, parks and open outdoor recreation areas. Killearn is not, and should not be, a high density neighborhood. Infrastructure is currently not in place for high density neighborhood traffic or storm water runoff. Water and sewer systems are also unlikely to handle additional high density development. High density development is also not in the character of the Killearn community. Killearn was designed to be a single family home based community where children can safely run around and play without fear of high density traffic. Killearn is already struggling with storm water runoff issues and creating more impermeable surfaces with high density development will only exacerbate this problem in the community. In fact, several homes that will surround the high density development are already below the grade at which the development will be constructed and are likely to flood in the future from storm water runoff. Lastly, the high density development area is essentially "house locked" on all sides save the golf club entrance. High density development will add a lot of pressure on those roads with the single ingress/egress. I respectfully submit this high density development will increase the Killearn neighborhood stormwater and traffic issues and seriously undermine the single family neighborhood into which us existing homeowners purchased.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: Haley, Jiwuan
Sent: Monday, November 07, 2016 8:39 AM
To: Thomas, Debra
Cc: Perrine, Beth
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

From: heildavid@comcast.net [<mailto:heildavid@comcast.net>]
Sent: Sunday, November 06, 2016 10:24 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission

Project Name/Number: PCM201702

Name: David Heil

Street Address: 2918 Tyron Cir

City: Tallahassee

State: FL

Zip: 32309

Email Address: heildavid@comcast.net

Comments: Thank you for the opportunity to comment on the notice of requested amendment to the comprehensive plan future land use map I received via USPS. Based on that notice, my recommendations and rationale are listed below: Recommendation: Denial of Site E. Rationale: Unacceptable increase in vehicle traffic, likely decrease in surrounding property values and the fact that other avenues "to help finance improvements to Killearn Golf and Country Club" as stated by the owner are available to the owner (such as: applying for loans, increasing Club member fees and dues and outright sale of the Club). Should Site E be considered for recommended approval, the following recommendation is an absolute necessity:

Recommendation: Do not permit access to Site E from Tyron Pass (one of the existing entrances to the Club) at Tyron Cir. and do not permit any new access to Site E from Tyron Cir., Longford Rd. or Carlow Cir. Rationale: Unacceptable increase in vehicle traffic.

Calhoun, Sherri

From: dhaver@comcast.net
Sent: Thursday, November 17, 2016 3:28 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** David A Haver
- **Last Name:** Haver
- **Street Address:** 3470 Gardenview Way
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** dhaver@comcast.net
- **Comments:** I am a member of both Killearn Country (KCC) and Killearn Homeowners Association and wish to express my support of the proposed amendment regarding KCC. Mr. Tuck has put forth a plan to revitalize KCC by upgrading its facilities and return its position as a premier golf course community in the Tallahassee area. As most people know, the golf industry has fallen on hard times in the last decade for a variety of reasons. Many courses have been forced to close and golf course communities have suffered accordingly. I believe that the proposed amendment, if approved, would go a long way to begin the restoration plan for KCC. When the plan is completed, I would respectfully submit that not only would the members of KCC be elated (when a vote was taken by the membership, a significant majority were in favor of Mr. Tuck's plan), but also the upgrades to the the club would benefit the entire Killearn Estates community and the City of Tallahassee, as well. I appreciate the opportunity to submit these comments and hope the Planning Commission will approve this amendment. Regards, David Haver

David S. Ferguson, 3061 O'Brien Drive, Tallahassee, FL 32309

**Ms. Debra Thomas
Tallahassee-Leon County Planning Department
300 South Adams Street
Tallahassee, Florida 32301**

Dear Ms. Thomas:

I do plan to attend the hearing on November 17th at 5:30 PM at the Renaissance Center. I also serve as Secretary to the Killearn Homeowners Association, as well as, live on the 3rd nine holes of the Killearn Country Club that has been closed.

I find this proposed action by Mr. Tuck to be highly premature as we have come to no binding agreement on conservation areas (type and maintenance) and buffer zones for homes on holes 7, 8 and 9 (your area marked as Site E). I would believe this to be imperative before you consider any rezoning.


In addition, there is a pending court action by KHOA regarding the plat argument for those who purchased property on the closed nine holes with the expectation of living on the golf course. From our review (and our Attorney) if we win this court action, Mr. Tuck could only use the golf course as a golf course. Therefore, any zoning or comp. plan change would be moot in light of court action. So, based on the current mediation and KHOA pending court action your consideration of this request from Mr. Tuck should be delayed until both are resolved.

-2-

Lastly, any rezoning to R-4, allowing up to 10 units per acre, could not be sustained simply based on transportation needs (increased cars) and water runoff into our lakes.

Should you have any questions, please contact me @ (850) 894-1010.

Yours truly,


David S. Ferguson

Attachment:

- **Zoning Notification**
- **Mediation Agreement between Barton Tuck and the Killearn Home Owners Association.**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:

Case No. 2014 CA 2865

Case No. 2014 CA 3010

JOSEPH B. BLANDFORD, et al.,

Plaintiffs,

KILLEARN HOMES ASSOCIATION,
INC.,

Intervenor Plaintiff,

vs.

CASE NO. 2014 CA 002865

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP, et al.,

Defendants.

_____ /

CLAIRE A. DUCHEMIN,

Plaintiff,

KILLEARN HOMES ASSOCIATION, INC.,

Intervenor Plaintiff

vs.

CASE NO. 2014 CA 3010

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,

Defendant.

_____ /

MEDIATED PARTIAL SETTLEMENT AGREEMENT

Pursuant to the mediation conference held on the 9th day of September, 2016, between Killearn Homes Association, Inc. (KHA) and Palmetto Club Properties Limited Partnership (Palmetto), and subject to approval by the Killearn Homes Association, Inc.'s Board of Directors, the parties have agreed to the following terms:

This document does not memorialize a final agreement and is expressly NON-BINDING upon the parties. Rather, it outlines general understandings and goals the parties, subject first to full Board approval by KHA, will work together in good faith to convert into final and binding agreements via recorded covenants and/or written agreements.

The parties have reviewed, and incorporate herein by reference, a concept plan for the Killlearn Country Club prepared by NCG and Urban Catalyst Consultants ("the Plan"). Units and lots in the "Redevelopment Area" shaded blue therein shall be annexed as a new Unit to KHA. Lots in the redevelopment area shaded in orange shall be annexed into the respective adjoining/existing unit. The owners of same shall be dues paying members of KHA and the property shall be subject to the KHA's covenants and restrictions.

Palmetto acknowledges its duty and obligation to reinvest all funds generated by sales in the "Redevelopment Area" solely and exclusively into the Club ("Club" includes combined clubhouse and pro shop, parking lot, golf course, maintenance shop, and driving range) and will not be used to pay off any existing debt. Palmetto expressly agrees to provide written documentation sufficient to demonstrate that no lenders have a right to claim any such funds to satisfy preexisting debt obligations of Palmetto. The parties recognize the importance and priority of a premier clubhouse; to that end, the parties agree that said reinvested funds shall prioritize the redevelopment of the clubhouse to the extent feasible. The parties shall execute a recorded agreement whereby this duty shall be further bolstered and protected by the requirement to hold all proceeds in trust until they are properly utilized for said reinvestment. Said agreement

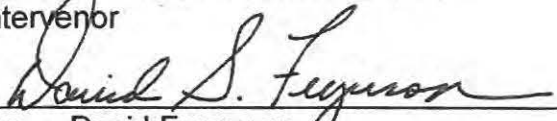
will prohibit closing in the event Palmetto is unable to fulfill this obligation due to intervening liens or debts. Palmetto will afford KHA means and methods via the agreement to insure Palmetto honors its obligation.

Single family residences shall be an allowable use in the areas shaded orange. The areas shaded in blue on the Plan include a certain number of single family homes as an allowable use, and an age restricted community consisting of 180-220 units containing high end amenities and a clubhouse shall be an allowable use, provided, and provided only, that the buffer between said community and single family homes must be in accord with the City of Tallahassee land use regulations AND must be approved by KHA. The buffer will be created by a written agreement (whether by covenant, easement, or agreement) which will clearly state the amount of buffer area and the only type of vegetation and/or improvement(s) allowable therein.

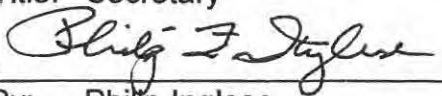
The areas shaded in green on the Plan shall become a conservation easement, the terms and conditions of which will be directed and determined by the Parties.

Dated in Tallahassee, Florida this 9th day of September, 2016.

Killearn Homes Association, Inc.,
Intervenor


By: David Ferguson

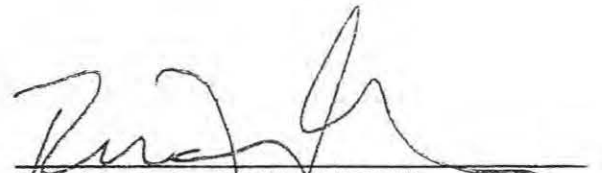
Title: Secretary


By: Philip Inglese

Title: Treasurer

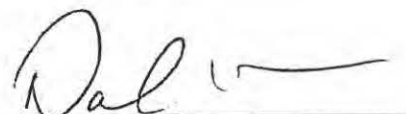

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1535 Killearn Center Blvd., Suite A1
Tallahassee, FL 32309
T - 850-385-9880
jwinegardner@chasefirm.com
Counsel for Killearn Homes Association,
Inc., Intervenor


By: Gloria Arias
Title: Board Member


Erik M. Figlio (FBN: 745251)
Ausley McMullen
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F - 850-222-7560
rfiglio@ausley.com
Counsel for Killearn Homes Association,
Inc., Intervenor

Palmetto Club Properties Limited
Partnership
Defendant


By: Barton Tuck
Title: General Partner


Daniel E. Manausa (FBN: 53971)
M. Kip Krieger (FBN: 12294)
Manausa Law Firm, P.A.
1701 Hermitage Blvd., Suite 100
Tallahassee, FL 32308
T - 850-597-7616
F - 850-270-6148
danny@manausalaw.com
kip@manausalaw.com
Counsel for Palmetto Club Properties
Limited Partnership, Defendant

summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department

ATTN: Comprehensive Planning Division

300 South Adams Street

Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3061 O'BRIEN DRIVE - TALLAHASSEE wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

1. Attached information letter from the Fergusons

2. MEDIATION AGREEMENT BETWEEN KHOA AND BARTON TUCK

SIGNED: David S. Ferguson

Rosemary S. Ferguson

KHOA - KILLEARN HOMEOWNERS ASSOCIATION

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

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Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street

M D. M. Muley
4025 Ardara Dr.
Tallahassee, FL 32301

TALLAHASSEE FL 323
08 NOV 2016 PM 2 L

Tallahassee Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301

32301+1731

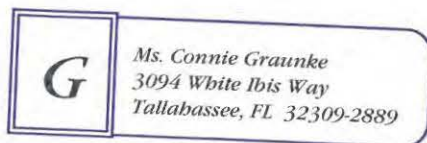


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Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

I/We as owner(s) of property at this address: 4025 Ardara Dr. wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

SIGNED: Danna M. E. Muley



TALLAHASSEE FL 323
15 NOV 2016 PM 2 7



Tallahassee-Leon County Planning Dept.
ATTN: Comprehensive Planning Division
300 So. Adams St.
Tallahassee, FL 32301

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

RECEIVED
2016 NOV 17 A 44
TALLAHASSEE
PLANNING

Amendment # PCM201702

I We as owner(s) of property at this address: 3094 White Ibis Way wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

The quality of our community, The Greens, would be
SIGNED: destroyed if Sawgrass Drive became a
thoroughfare. We request that the community
stay contained.
Connie Graunke

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn Estates Zoning
Date: Friday, November 18, 2016 4:50:22 PM

Please add to Killearn comment file.

From: Clifford Jordan [mailto:jordanappraisal@embarqmail.com]
Sent: Friday, November 18, 2016 4:26 PM
To: Thomas, Debra <Debra.Thomas@talgov.com>
Subject: Killearn Estates Zoning

Debra,

First, I want to thank you and the other staff members for the time you all spent last night at the meeting listening to all the concerns and complaints about the proposed zoning changes in Killearn. As a residence of Killearn and a residential real estate appraiser, I appreciate the work all of you do.

My impression of the meeting last night was there were a lot of concerns expressed that projected worst case scenarios should the zoning be approved. I don't think the people expressing their concerns were looking at the big picture, but more of the immediate impact the changes might have on their individual properties. I don't think all of the concerns expressed were warranted.

The Killearn Country Club has been the anchor in the subdivision for many years and the facilities need revitalization-more like new facilities than remodeling. That is what the owner is proposing. A walk around the buildings shows a deterioration that needs to be fixed. What the owner has proposed to the club members are new facilities financed with the sale of part of the golf course. Hence, the rezoning is key to making this happen. In my opinion new facilities would be a boost to the subdivision that would benefit all who live in Killearn whether members of the club or not.

Golf courses were over developed in the '90's and the number of people playing golf has changed. Killearn is now a 27 hole golf course when in reality 18 holes would be adequate to accommodate the demand. Why shouldn't the owner be allowed to proceed with the sale of the land to make more productive use of it? With the limited amount of land available to develop in the northeast, this area would be a prime area to develop and would certainly be one that could provide new opportunities for families to locate closer in at the same time enhancing the subdivision.

Most of the concerns expressed last night seemed to be over rezoning of site E that would be change to RP-2 allowing for a maximum of 10 units per acre of single, two family and multi-family residential. If this was developed at the maximum density allowed you would have approximately 350 new residences. If each residence had an average of three family members you would be adding 1,050 people to the population in Killearn. When you consider the overall size of Killearn and the number of people who live there now, this doesn't seem like a big deal to me. Yes, it would add some traffic to the subdivision, but I believe this could be accommodated with adequate planning. If you look at Southwood, it continues to be developed and I have not noticed traffic being a problem

within that subdivision.

In my opinion the people at the meeting last night were only looking at how the changes might impact their homes rather than considering how the overall subdivision and northeast Tallahassee could benefit from the development of the land areas. Most were expressing concerns about how the zoning changes would have a negative effect on their property values. As a residential real estate appraiser, I think it would be very difficult to say exactly how the changes would impact value on individual sites. We really don't know until the development is completed. It could enhance property values! One thing for sure it would provide new housing in an area of high demand.

I strongly encourage the approval of the zoning request since in my opinion it would be a benefit to the majority of the people who live in Killearn, families that want to live in the northeast and the city of Tallahassee.

Cliff
Clifford Brice Jordan
Cert Res #RD4070
Jordan Appraisal, LLC
3028 Ironwood Dr
Tallahassee, FL 32309
O)850-878-5922; F)888-805-5914
C)850-508-5025

Calhoun, Sherri

From: Thomas, Debra
Sent: Wednesday, November 16, 2016 12:35 PM
To: Calhoun, Sherri
Subject: FW: Customer Call

Sherri, Please include this in the citizen comment section for the Killearn Map Amendment.

From: Harbin, Laurel
Sent: Wednesday, November 16, 2016 12:12 PM
To: Thomas, Debra <Debra.Thomas@talgov.com>
Subject: Customer Call

We just received a call from Mr. Claude Lister, 3086 Sawgrass Circle, who wanted to express his opposition to the Comp Plan amendment that would allow multi-family development at the end of his street. He may not be able to come to the meeting on 11/17, and wanted to make sure his opposition was made part of the record. He also left his phone number: 850-893-4724.

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:02 PM
To: avaran3@yahoo.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates golf course home

Ava, thank you for contacting me about this issue. This comp plan amendment will come before the City and County in our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street on this specific project and I understand they have been meeting with a group of residents to try to mitigate concerns. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments below will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <avaran3@yahoo.com> 11/17/2016 11:41 AM >>>
FROM:"Ava O"Hollearn <avaran3@yahoo.com>

Greetings:

Please, please do not grant Mr. Tucks' request to change the land use designation of the NE section of the Killearn Country Club golf course (commonly referred to as the Narrows).

Many of us bought our homes in Killearn Estates without knowing that Mr. Tuck could change the dynamic our neighborhood, in its entirety, were he ever to feel so compelled.

Currently, our neighborhood is beautiful, safe, and home to peoples of all ages. Were there to be an influx of traffic, noise, and loss of green space those of us who relish our lifestyles we're paying taxes to enjoy would no longer exist.

We bought our home, of a large sum of money, planning to stay into retirement. We read the bylaws word for word before submitting our offer to the previous owners. It's shocking to now have to realize that our fate is in the hands of those who don't know us, and probably care little about how difficult relocating would be.

I'm begging you to please decline Mr. Tuck's request.

Sincerely,
Ava O'Hollearn

This message sent from the Leon County Website:

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3000 Sawgrass Circle wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

We think the Killearn C.C. plan is an excellent one and we'd like to see it approved
and completed ASAP. A first class country club and upgraded golf course would positively
benefit our community.

SIGNED:

Burton F. Mead
Carol J. Mead

11/7/16



Mr. & Mrs. Burton F. Mead
3000 Sawgrass Cir
Tallahassee, FL 32309-2886

TALLAHASSEE FL 323

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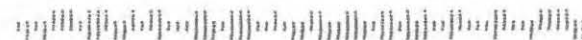


Tallahassee - Leon County Planning Dept.
Attn: Comprehensive Planning Div.
300 South Adams Street
Tallahassee, FL
32301

Flon



3230131731



Calhoun, Sherri

From: burtcarol@centurylink.net
Sent: Wednesday, November 16, 2016 9:26 PM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Meetings to discuss re-zoning of Killearn Country Club

FROM: burtcarol@centurylink.net

DATE: 11/16/2016 09:26:26 PM

SUBJECT: Meetings to discuss re-zoning of Killearn Country Club

We are residents of the former North Course at Killearn Country Club and wanted to send our comments about this subject. We feel that the owner has a good plan and want him to receive approval for his plan. We need new facilities to accompany our very good golf course which would keep Killearn a "golf course" community. Please approve his request for the rezoning.

From: [Bryan Desloge](#)
To: [Pat Curtis](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Oppose Barton Tuck Rezoning Request for Killearn Golf Course Tract
Date: Saturday, November 19, 2016 1:57:19 PM
Attachments: [Notice_PCM201702revised2.doc](#)

Patricia, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Pat Curtis" <pacurtis117@gmail.com> 11/15/2016 5:27 PM >>>
Dear Commissioner Desloge:

The proposed downgrading of land use and zoning requested by Barton N. Tuck (Amendment PCM201702) would have dramatic and long-lasting negative impact on Tree Harbour, a neighborhood of about 110 single family homes located opposite Site E, also known as the North Course.

I've lived happily in Tree Harbour for nearly 20 years, secure in the knowledge that my home and neighborhood were protected by the Killearn Golf Course from heavy traffic and future development. Now, my so-called "golden years" are threatened by a proposal that could ultimately result in construction of 350 apartment units immediately across from the entrance to Tree Harbour. Development of a high-density apartment complex would have the following consequences for me and my neighbors:

- **Generation of heavy traffic on Bay Shore Drive, a narrow, winding two-lane road designed only for local traffic.** Bay Shore is already being used as a shortcut to Shannon Lakes and then to Thomasville Road. Few observe our 25 mph speed limit. Because of its several blind turns, most of us have experienced close calls with school busses and other vehicles.
- **A sharp increase in runoff into Lake Killarney, already an endangered body of water.** Despite the city's installation of culverts and enlarged drainage pipes a few years ago, the lake continues to be a recipient of heavy runoff from the golf course and Kilrush during heavy rains.

- **Depreciation of our property values and quality of life.** Our neighborhood provides affordable housing for seniors like me, young families buying their first homes and others. Some of the value of our homes is tied to our location across from Lake Killarney and near the golf course. If the value of our homes were to depreciate, many of us could not afford to buy other homes. There are simply too few affordable housing options in Tallahassee and none I've found that offer an equivalent quality of life to what we have in Tree Harbour.

Further, Tuck's proposal would forever change the nature of the entire north end of Killarney, one of the first planned unit developments in Florida and a model for the rest of the state. We look to our land use plan and zoning regulations to protect our neighborhoods. Why would city and county officials allow a development that would cause so much damage to our community for the sake of one man's profit?

I am depending on you to look out for my welfare and that of my Tree Harbour neighbors. I hope I can count on you to vote against these proposed land use changes.

Sincerely,
Patricia A. Curtis
3061 Bay Shore Drive
Tallahassee, FL 32309

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:07 PM
To: jhendry101@aol.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates golf course home

Bill, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364

deslogeb@leoncountyfl.gov

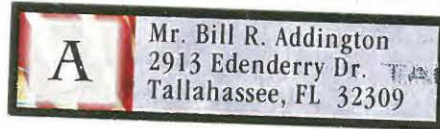
>>> <bill.garvin@gmail.com> 11/17/2016 11:20 AM >>>

FROM:"William Garvin <bill.garvin@gmail.com>

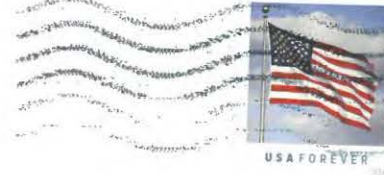
We want to express our opposition to the zoning change requested by Barton Tuck. We oppose this because we fear a change in the character of this neighborhood and because of the increase in traffic that will result with the construction of multi family dwellings. Our home values are already impacted by the closing of the golf course and this will further impact them. Mr. Tuck has stated that the proceeds from the sale of the property will be used to improve the Killearn Country Club facilities. Given Mr. Tuck's history I doubt that he will indeed improve anything. My wife and I reside at 4042 Sawgrass Circle in the Greens of Killearn.

William and Suzanne Garvin

This message sent from the Leon County Website:



TALLAHASSEE FL 32309



Tallahassee-Leon County planning Dept
attn: Comprehensive Planning Division
300 South Adams St.
Tallahassee, FL 32301

Amendment # PCM201702

I/We as owner(s) of property at this address: William + Catherine Addington wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Please pass what Mr. Luck would like to do at Killbuck Country Club, all the old buildings need to be torn down and rebuilt.

SIGNED:

William and Catherine Addington
2913 Edenderry Dr.
Killbuck member since it opened in the 60's.

From: [Bryan Desloge](#)
To: bevie4060@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Estates
Date: Saturday, November 19, 2016 1:53:58 PM

Beverly, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <bevie4060@comcast.net> 11/17/2016 2:49 PM >>>
FROM:"Beverly Locke-Ewald" <bevie4060@comcast.net>

PLEASE,PLEASE do not give permission to Mr. Tuck to rape our beautiful Killearn Estates.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: ginob0@yahoo.com
Sent: Thursday, November 17, 2016 1:44 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Giovanni
- **Last Name:** Betta
- **Street Address:** 3034 Fermanagh Dr
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** ginob0@yahoo.com
- **Comments:** There are roughly 3800 homeowners within the Killearn subdivision. Within this group, there is a small portion opposed to Mr. Tuck's revitalization plan. The Killearn Home Owners' Association has even had small meetings with the small number of disgruntled homeowners. Most homeowners, myself included, are supportive of Mr. Tuck's plan to revitalize our community provided it is done in a manner consistent with the structures within our community. We are not supportive of government subsidized housing or apartment building, however, I feel most of us are supportive of single-family homes, multi-family homes, upscale townhomes/condos, and even a retirement home or other senior center or facility. Mr. Tuck's plan, if realized, will benefit the entire community with increased property values and a better country club which will bring people into the community and have a positive economic impact on the businesses surrounding our area. The Membership voted by a 92% - 8% margin in favor of Tuck's plan. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Please SUPPORT Mr. Tuck's proposed amendment to re-designate some property and revitalize Killearn Country Club and our entire community while keeping in mind the appropriate zoning codes that fit into our community.

Calhoun, Sherri

From: bill.garvin@gmail.com
Sent: Thursday, November 17, 2016 11:44 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** William Garvin
- **Last Name:** Garvin
- **Street Address:** 4042 Sawgrass Circle
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** bill.garvin@gmail.com
- **Comments:** My wife and I stand in opposition to the comprehensive plan change requested by Mr. Barton Tuck. As a resident of Killearn for 15 years we have watched as Mr. Tuck has allowed the Killearn Country Club to deteriorate. In spite of reaching out to the neighborhood for members and providing a quality experience to those of us who would belong to his club he has chosen to milk it dry and now he wants to take more money from his failing investment by selling property that should never be developed. A result of the zoning change will only increase traffic and further degrade the home values in this community. Please pay attention to the amount of taxes we and all of the other home owners pay each year to the city and county before you let an outside interest come in and hurt the character of this outstanding neighborhood.

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

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Rutter
3713 Goxford Circle
Tallahassee, FL 32309

TALLAHASSEE FL 323
23 NOV 2016 PM 3 T

*Tallahassee County Planning Dept,
ATTN: Comprehensive Planning Division
300 South Adams St.
Tallahassee, FL 32301*

3230131737 C004

Tallahassee-Leon County Planning Department

ATTN: Comprehensive Planning Division

300 South Adams Street

Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3713 Goxford Circle wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Approve Plan

SIGNED: Wendy Rutter

RECEIVED
2016 NOV 29 P 12:30
TALLAHASSEE/LEON COUNTY
PLANNING DEPARTMENT

Calhoun, Sherri

From: jb.sheedy@comcast.net
Sent: Thursday, November 17, 2016 11:00 AM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Rezoning "Narrows" at Killearn

FROM: jb.sheedy@comcast.net

DATE: 11/17/2016 11:00:10 AM

SUBJECT: Rezoning "Narrows" at Killearn

Please seriously consider denying request of Mr. Barton Tuck to negatively effect our mature settled neighborhood where out family has lived for two decades. Wende & Brian Sheedy

Wanda Foulk
3008 Greyabbey Ct (E!)
Tallahassee, FL 32309
TALLAHASSEE FL 323
22 NOV 2016 PM 2 L



Tallahassee Leon Co.
Planning Department
Attn: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301

Form 20
Amendment Cycle 20
is also available on the website.

the community is viewed as
elite & w/ this
development it
will decrease in
value in
every way

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

322 6786

I/We as owner(s) of property at this address: 3008 Greyabbey Ct. wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

Keep area 'E' as open space - We do not
want change in zoning & no additional development
SIGNED: Wanda and David Foulk

Changing this area would change &
actually lower integrity of properties in
Kilearn - the entire community would be affected
in negative way

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:20 PM
To: tgimbel@lawfla.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Country Club - Barton Tuck
Attachments: Notice PCM201702revised2.doc

Tico, thank you for contacting me about this issue. As you may already know, this comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is currently being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that it is included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to not approve the project, to alter it, or as with yours, in support of it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

FROM:"Tico Gimbel <tgimbel@lawfla.com>

Please be advised that the Membership at Killearn Country Club overwhelming approved Tuck's plan to revitalize our club over the next few years with new facilities (i.e. locker rooms, Pro Shop, dining rooms, kitchen, pool area, irrigation, tees boxes, and greens). The Membership voted by a 92% - 8% margin in favor of Tuck's plan. There are some disgruntled folks on the portion of the course that he has had to close to generate funds to cover the anticipated capital outlays. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Most residents do not support a multi-family zoning change but we are in favor of single family zoning or zoning similar to what is necessary to build another area like the Greens of Killearn in the proposed redevelopment location. Please support his plan to re-zone and revitalize Killearn Country Club but maintain appropriate zoning codes.

This message sent from the Leon County Website: www.leoncountyfl.gov

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

Comments/Documents Submitted at the 2017 Amendment Cycle Open House
November 17, 2016

See attached Motion for Summary Judgment offered by KHA. The Motion asserts that the golf course owner is bound by the “promise that land shown on plats as a golf course would be used for that purpose only.” The Motion also argues that “Palmetto Club is estopped from changing the use of the golf course.”

In addition to the plats, the restrictive covenants create a property right that each property owner in Killearn Estates can enforce to have the land used, forever, as a golf course.

This the KHA position in Court and cannot be changed without damaging affected members (property owners in Killearn) who have an independent right to assert these rights.

Filing # 39212229 E-Filed 03/18/2016 03:41:28 PM

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:
CASE NO. 2014 CA 2865
CASE NO. 2014 CA 3010

JOSEPH B. BLANDFORD; et al.,

Plaintiffs,

CASE NO. 2014 CA 002865

KILLEARN HOMES ASSOCIATION, INC.

Intervenor

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP, et al.,

Defendants.

CLAIRE A. DUCHEMIN

Plaintiff

CASE NO. 2014 CA 003010

KILLEARN HOMES ASSOCIATION, INC.

Intervenor Plaintiff

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,

Defendant.

INTERVENOR'S AMENDED MOTION FOR SUMMARY JUDGMENT

Intervenor Plaintiff KILLEARN HOMES ASSOCIATION, INC. ("Intervenor" or
"KHA") moves for entry of Summary Judgment against Defendant PALMETTO CLUB

PROPERTIES LIMITED PARTNERSHIP, ("Defendant" or "Palmetto Club") pursuant to Rule
1.510, Florida Rules of Civil Procedure, relative to the issues in both Case Numbers that have
been consolidated above because there are no genuine issues of material fact and Intervenor is
entitled to judgment as a matter of law.

Intervenor has previously filed Exhibits A-Q in support of its initial motion for summary
judgment, which includes the Affidavits of LeAnn Sbordone, J. Robert Ippolito, Beverly Ewald,
David E. Ferguson, and J.T. Williams, Jr.. The initial motion for summary judgment also relies
on portions of the previously filed deposition transcript of J.T. Williams, Jr. This Amended
Motion for Summary Judgment incorporates the previously filed Exhibits A-Q, the deposition
transcript of J.T. Williams, Jr.. In addition, it relies on Defendant's discovery responses,
supplementing the summary judgment supporting materials as Exhibits R and S, filed with this
amended motion. The particular grounds upon which this motion is based are as follows:

I. INTRODUCTION

Palmetto Club owns a 27-hole golf course located in the Killearn Estates subdivision.
This case arises out of Palmetto Club's intention to close nine holes of the golf course and sell
the land for redevelopment into housing, either multi-family or single-family, medical or
rehabilitation facilities, or some other high-density residential use. The subdivision plat
identifies the golf course as a subdivision amenity, the subdivision was marketed as a golf course
community, and subdivision residential lots were sold to purchasers with the promise that land
shown on plats as a golf course would be used for that purpose only. The developer and his
successor—i.e., the Defendant here—are bound by that promise. See, e.g., *McCorquodale v.*
Keyton, 63 So.2d 906, 910 (Fla. 1953) (holding that easements contained in recorded plats
represent enforceable promises by a developer which can be relied upon by the homebuyers in

purchasing their property); *Easton v. Appler*, 548 So. 2d 691, 694 (Fla. 3d DCA 1989) (recognizing that when property is purchased and the deed refers to the plat with amenities, buyers acquire implied easement); *Bonifay v. Garner*, 445 So. 2d 597, 603 (Fla. 1st DCA 1984) (recognizing *McCorquodale* and that lots sold with reference to a recorded subdivision plat may be conveyed with implied easement in lands of grantor to secure benefits and promises reasonably inferred)

As more fully discussed below, because the golf course appears on plats and in residential deeds, was conveyed by a common developer to Palmetto Club, Palmetto Club is estopped from changing the use of the golf course identified on the subdivision plats.

Intervenor hereby adopts and incorporates by reference herein all of the Summary Judgment materials and exhibits previously filed and served with its initial Motion for Summary Judgment.

II. UNDISPUTED FACTS ESTABLISHED BY THE PLEADINGS AND EVIDENCE

1. Killearn Estates (the "Subdivision") is a platted subdivision in Leon County, Florida. See Exhibit A, Master Plan.
2. KHA is a non-profit Florida corporation and homeowners' association that operates and governs the Subdivision and whose members are the homeowners within the boundaries of the Subdivision, and that also owns property within the Subdivision. See Exhibit B, Affidavit of Executive Director LeAnn Sbordone.
3. The Subdivision was created in 1964 by developer Killearn Properties, Inc. ("Killearn Properties"), and is Tallahassee's first planned unit subdivision with a golf course and underground electric service. See Deposition Transcript of J.T. Williams, filed December 3, 2015 under filing number 35141173, pp. 12-13; 44.

4. The Subdivision was established by platting and developing smaller units, added from time to time, that were annexed and interlocked to create a single growing subdivision. See Plats (e.g., Exhibits C, D, and E).

5. From inception, the centerpiece of the Subdivision has been its award-winning golf course, which was also developed by Killearn Properties and has been used to induce the public to buy property within the Subdivision. See Depo. Tr. J.T. Williams, pp. 14-15; 19-21; 24-25.

6. The golf course was intended to and did increase the land and property values throughout all of the Subdivision. See Depo. Tr. J.T. Williams, pp. 14, 20-21, 45, 48.

7. Any redevelopment of any portion of the golf course would negatively impact the property values in the Subdivision. See Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

8. Development began with a portion of land at the entrance to the Subdivision at Thomasville Road—Unit One—and proceeded unit by unit. The properties within the units are subject to covenants and restrictions that provide for the addition of new units as from time to time as they are developed by Killearn Properties, and are intended to interlock so that all rights of all lot owners in the Subdivision are uniform. (Unit One Covenants at Article I, OR Book 187, Page 254). See Exhibit C, Unit 1 Plat.

9. Development of Unit Two occurred in 1966 and included the property to the south of the initial Unit One off of Killarney Way in and around Limerick Road and Westford. See Exhibit D, Unit 2 Plat.

10. Unit Three was also created in 1966. On the Unit Three plat, Killearn Properties shows and identifies the golf course abutting certain Unit Three lots. See Exhibit E, Unit 3 Plat.

11. After the golf course was developed, Killlearn Properties created Unit Six, and again identified the golf course on the Unit Six plat. *See* Exhibit F, Unit 6 Plat.

12. In 1969, Unit Eight was created and identified the golf course on the plat. *See* Exhibit G, Unit 8 Plat.

13. In 1978, Unit 19 was created and also identified the golf course on the plat. *See* Exhibit H, Unit 19 Plat.

14. Subdivision lots conveyed by the developer to purchasers were done so in reference to and pursuant to the relevant plats. *See* Exhibit I, Affidavit of J. Robert Ippolito; Exhibit J, Affidavit of Beverly Ewald; Exhibit K, Affidavit of David E. Ferguson.

15. Killlearn Properties owned the golf course property in 1981 when it imposed the Special Restrictive Covenant on the golf course property. *See* Depo. Tr. of J.T. Williams, p. 26.

16. The special restrictive covenant provides, among other things, that:

a. Killlearn Properties shall maintain architectural control over any building on the golf course property; and

b. Is "in addition to pertinent recorded restrictive covenants, if any, and not in limitation thereof..."

See Exhibit L, Special Restrictive Covenant.

17. In 1987, Palmetto Club, then operating under the name Resort Properties, Ltd., purchased the Killlearn Country Club ("KCC") and the golf course property. *See* Exhibit M, Warranty Deed.

18. Prior to the sale and after the 1987 golf course sale to Defendant, Killlearn Properties, continued to develop Subdivision residential units and continued to identify the golf course on plats. *See* Exhibits N, O, P Plats for Units 27, 40, and The Greens of Killlearn.

19. The Subdivision lots were sold with reference to the relevant unit plat showing and identifying the golf course in its deed. *See* Exhibit I, Affidavit of J. Robert Ippolito; Exhibit J, Affidavit of Beverly Ewald; Exhibit K, Affidavit of David E. Ferguson

20. Unit Twenty-Six was platted in 1982 and identifies the golf course, and although it is the only platted unit indicating that the golf course is "not a part of this plat," the plat does not refer to the Special Restrictive Covenant. *See* Exhibit Q, Plat for Unit 26.

21. Unit Twenty-Seven was platted in 1988 and identifies "Golf Course Fairway No. 3," "Golf Course Fairway Number 4" and "Golf Course Fairway No. 5," but provides no language to indicate whether the golf course is part of the plat or subdivision, nor does it refer to the Special Restrictive Covenant. *See* Exhibit N, Plat for Unit 27.

22. Unit Forty was platted in October 1992, is a portion of the residential lots developed along the North Nine, identifies the golf course, and indicates it is "unplatted land," but does not make any reference to the Special Restrictive Covenant. *See* Exhibit O, Plat for Unit 40.

23. The Greens of Killlearn was platted in 1994 along another portion of the North Nine, and the plat identifies the "Unplatted Killlearn Golf Course" but makes no mention of the Special Restrictive Covenant. *See* Exhibit P, Plat for Greens of Killlearn.

24. The Subdivision exists as a common development scheme of particular residential homes that were built around a golf course, created by a developer common to both the residential subdivision and the golf course itself. *See* Depo. Tr. of J.T. Williams, pp. 14-15, 25 ("[T]he whole community was geared around the golf and country club.").

25. The creation and existence of the golf course was a significant inducement made by the developer to the public to buy and purchase homes in the Subdivision. *See* Depo. Tr. of J.T. Williams, pp. 44-45.

26. The developer advertised the community as a golf course community and committed those promises on the plats themselves. *See* Depo. Tr. of J.T. Williams, p. 26; Plats (referenced herein).

27. There are currently forty-nine (49) total units developed in the Subdivision. *See* Exhibit B, Affidavit of LeAnn Sbordone.

28. There are approximately 3,800 homeowners within the Subdivision. *See* Exhibit B, Affidavit of LeAnn Sbordone.

29. The deeds to the residential Subdivision lots refer to and incorporate the book and page number of the plats of the units where the property is located. *See* Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

30. KHA has not made any representations about the plats and its rights to enforce the benefits of the plats to Palmetto Club contrary to a later position, that Palmetto Club relied upon and changed its position to its detriment. *See* Exhibit B, Affidavit of LeAnn Sbordone.

31. KHA has not intentionally relinquished any known right with regard to the plats and the enforcement of its rights and those of its members. *See* Exhibit B, Affidavit of LeAnn Sbordone

III. LAW AND ARGUMENT

Florida law is clear that amenities shown on a recorded subdivision plat create an easement in favor of the subdivision landowners who purchased their lots in reliance on the plat itself. *See, e.g., McCorquodale v. Keyton*, 63 So.2d 906, 910 (Fla. 1953) (holding that easements

contained in recorded plats represent enforceable promises by a developer which can be relied upon by the homebuyers in purchasing their property); *Easton v. Appler*, 548 So. 2d 691, 694 (Fla. 3d DCA 1989) (recognizing that when property is purchased and the deed refers to the plat with amenities, buyers acquire implied easement); *Bonifay v. Garner*, 445 So. 2d 597, 603 (Fla. 1st DCA 1984) (following *McCorquodale* and holding that lots sold with reference to a recorded subdivision plat may be conveyed with implied easement in lands of grantor to secure benefits and promises reasonably inferred); *see also Wilson v. Dunlap*, 101 So. 2d 801, 803-04 (Fla. 1958) (recognizing plat designation of land use creates easement in favor of abutting landowners); *Price v. Stratton*, 33 So. 644, 646 (Fla. 1903) (acknowledging that where owner of tract makes a plat evincing intent for use—*i.e.*, public street, his grantees acquire right to have such use); *City of Miami v. E. Realty Co.*, 202 So. 2d 760, 773 (Fla. 3d DCA 1967) (acknowledging lot owners' private easement rights in amenities shown on plat, even where amenities coexist with public use).

The identified plat amenity, whether it be a public road or a private beach or golf course, becomes subservient to the dominant surrounding land. Thus, where a developer identifies a golf course on a plat and sells lots in reference to the plat, as occurred here, the developer and subsequent grantees are bound by that promise. *See* Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

The undisputed facts of this case establish that KHA members purchased lots in Killearn Estates with the developer's promise that the neighborhood would always be a golf course community, giving rise to a common plan or scheme of development. The subdivision plats plainly identify the golf course and show precisely where the golf course land is located. Subdivision lot owners' deeds reference the plats that show the golf course. There is no dispute

that the developer marketed and sold lots in Killearn Estates as a premier golf course community, which was a significant inducement for purchasers of those lots. This creates an implied private easement or easement by implication for the golf course property. Any attempt on the part of the developer or his successors to eliminate the golf course in whole or in part without consent of the Subdivision property owners violates the easement and should be enjoined.

A. KHA and Its Members Have An Implied Private Easement or Easement by Implication for the Golf Course Property

Florida law is clear that the right conveyed to lot owners who purchase in reliance on subdivision amenities identified on a plat is considered an implied private easement. The Florida Supreme Court in *McCorquodale v. Keyton*, 63 So. 2d 906 (Fla. 1953), explained that purchasers of property that is part of a common scheme of development can acquire “[d]istinct and independent private rights in other lands of the grantor” in circumstances when “it is reasonable to infer [the purchaser has been induced by benefits of those other lands] to buy portions of a tract laid out on the plan indicated.” *Id.* at 910. The Court held as follows:

Whenever the owner of a tract of land subdivides the same into lots and blocks, ...and designates portions of said lands to be parks playgrounds or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon...*Common honesty requires that he perform that which at the time of conveyance he represented he would perform.*

Id. at 910 (emphasis added).

Thus, whenever lots are sold with reference to a recorded subdivision plat, the purchasers acquire by implied covenant a private easement in lands of the grantor other than those specifically deeded. And these private easements continue unless extinguished by adverse possession, abandonment, non-use, estoppel, or some other basis. *Bonifay v. Gardner*, 445 So.

2d 597, 603 (Fla. 1st DCA 1984) (holding that private easement under *McCorquodale* may only be extinguished by rules governing extinction of easements).

In *McCorquodale*, the developer platted land and included the words “Sunnyside Park” on the plat, and then sold the lots. The developer constructed a concession stand on Sunnyside Park and operated the concessions for years before selling it to J.M. Webb. Once the developer sold the concession stand, it became a private commercial business that changed the nature of the park to a commercial area inconsistent with the plat. The trial court enjoined the commercial use of the concession stand in the park and the Florida Supreme Court agreed, holding that the park indemnification created an easement that extended to *all of the park*, not all except the parcel occupied by Webb, and that if a person’s rights are invaded, the degree of such invasion is unimportant. Thus, the injunction was approved mandating that any conveyance of the park land be made “subject to the rights of the owners of lots in said subdivision to use the same as a park.” *Id.* at 910-11.

The present case is controlled by *McCorquodale*. Pursuant to *McCorquodale*, an implied easement is created in an amenity if (1) a developer creates a common scheme of development that includes both residential lots and the amenity, (2) the amenity at issue is reflected on recorded plats available to purchasers of residential lots, and (3) the purchasers of residential lots are induced to purchase property in the development, in part in reliance on the existence of the amenity. The undisputed evidence establishes that each of these elements has been satisfied in this case. *McCorquodale* thus dictates that KHA and its members have acquired an implied easement in the golf course.

Plats inform the public, and especially innocent purchasers of property in a subdivision, of the facts and must be interpreted according to the ordinary usage of the words, signs and

symbols thereon, coupled with statutory provisions governing the same. *Coffman v. James*, 177 So. 2d 25, 30 (Fla. 1st DCA 1965) (citing *Servando Bldg. Co. v. Zimmerman*, 91 So. 2d 289, 291 (Fla. 1956) (interpreting plat to advance intention of party marking the dedication)). In *Coffman*, the First District Court of Appeals recognized that land depicted on a recorded plat, even though not labeled by lot number, is part of the subdivision unless the land is specifically marked “not included in this plat.” Otherwise, there is nothing to put purchasers of subdivision property on notice that the unnumbered lot is excluded from the area subdivided. *Coffman*, at 30.

Here, the recorded plats for Units Three, Six, Eight, Twenty-Six, Twenty-Seven, Forty, and the Greens of Killearn, all show and label the golf course land. Only Unit Twenty-Six includes the language “not a part of this plat” that would put purchasers of lots in Unit Twenty-Six on notice that the golf course is not part of the Subdivision. Plats recorded both before and after Unit Twenty-Six show the golf course, but do not contain the words “not a part of this plat.” It is the conveyance with reference to the plat that creates the rights in the purchasers to have the plat maintained according to its references. The purchasers acquire rights to the plat when the plat is conveyed by incorporating it and referencing it in their deed. *Miami-Dade County v. Torbert*, 69 So. 3d 970, 973 (Fla. 3d DCA 2011) (“It is the conveyance with reference to the plat that creates the rights in the purchasers to have the plat maintained according to its references.”).

The lots conveyed by Killearn Properties to the lot owners in the Subdivision were made with the promise that the homes and subdivision were part of a 27-hole golf course community, and this promised to enhance property values for the entire community. “The master plan called for the entire 27 holes from the very beginning.” Depo. Tr. J.T. Williams, p. 15. From the first sales brochures, Killearn Properties advertised the subdivision as a 27-hole golf course community. Depo. Tr. J.T. Williams, p. 19.

The purpose of having a premier golf course in the community was to enhance property values. Depo. Tr. J.T. Williams, p. 20. This is especially true for lots that share a lot line with the golf course: “your backyard is paid for by someone else and manicured properly...they look out in their backyard and have this beautiful golf course and manicured and looks good from the back of their homes.” Depo. Tr. J.T. Williams, p. 21. Indeed “the whole community was geared around a golf and country club.” Depo. Tr. J.T. Williams, p. 25.

The elements necessary to create an implied easement under *McCorquodale* are satisfied. The developer’s undisputed testimony establishes that the Subdivision was a common scheme development with a 27-hole golf course as its centerpiece and that, from the outset, the golf course was used as an inducement to purchasers of residential lots in the Subdivision—both those abutting the golf course and throughout the Subdivision. Furthermore, as provided above, the golf course was depicted on recorded plats, *see, e.g.*, Exhibits C through H; N through P, which made it a matter of public record, and put the public on notice, that the intended use of the land was for a golf course. These plats were incorporated into the deeds of the purchasers, and established the lot owners’ reliance on the plat promises. *See, e.g.*, Exhibits I, J, and K.

Accordingly, pursuant to *McCorquodale*, the conveyances of residential lots in the Subdivision created an implied easement for the benefit of KHA and its members. When Killearn Properties conveyed the golf course land to Palmetto Club, it did so subject to the rights of the homeowners in the Subdivision to have a 27-hole golf course in their community. *Wilson*, 101 So. 2d at 804 (“Nothing ... will prevent a conveyance of this residual fee by the original grantor to another party, for the presumption would be that the grantee took title in full recognition of the easement with which it is encumbered.”). Therefore, the plats and deeds created a private easement in favor of the lot owners so that the land identified in the Killearn

Estates master plan as golf course (and on the recorded plats incident thereto) will be limited to use only as a golf course.

B. A Platted Golf Course Is Not A Condition Precedent For An Implied Easement

The golf course itself is not platted land, nor is the golf course land encumbered by subdivision covenants and restrictions. This, however, does not change the effect of *McCorquodale* and the effect of the implied easement. *McCorquodale* only requires that the golf course be identified on the plats associated with residential lots and induce prospective purchasers of residential lots to make those purchases.

The golf course land, regardless of whether it was platted, became the servient estate to the individual platted lots in the Subdivision by the developer and common grantor, Killearn Properties. The developer had no obligation to separately plat the golf course before making it a servient estate to the Subdivision lots.

It is not necessary that a plat or a map of a person's property showing lots and blocks be recorded before it can be sold. It may be more convenient to sell by lots and blocks as was shown by a recorded plat, but he may sell it by the inch, the foot, or the yard, and describe it by metes and bounds.

Garvin v. Baker, 59 So. 2d 360, 365 (Fla. 1952).

The Florida Supreme Court has long held that "a landowner is not required to plat his land incident to selling it." *Kass v. Lewin*, 104 So. 2d 572, 579 (Fla. 1958). The Subdivision was held out by its developer to the general public as a 27-hole golf course community, Depo. Tr. J.T. Williams, pp. 14-15; 19-21; 24-25, and Palmetto Club took ownership of the golf course property which was burdened by that restriction. See *Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307-308 (Fla. 2d DCA 1966) (holding that restrictions imposed by a general development plan are valid and enforceable even though not specifically incorporated in the deed to the person

against whom enforcement presently is sought). It is not essential to the existence of a uniform plan that there be plats or dedication maps filed, or that there should even be uniform plottage.

Id.

Thus it is irrelevant that Killearn Properties recorded plats for the residential subdivision lots but not for the golf course land. The entire tract—the platted subdivision lots and the golf course land—was owned and developed by Killearn Properties as a single golf course community, and the implied easement is no less valid and enforceable by the unplatted nature of the golf course land.

C. This Court Has Authority To Enforce the Requirement that the Golf Course Property Be Used For Golf Course Purposes

The Court has authority to restrict the use of the property to a golf course. *Vista Golf, LLC v. Vista Royale Prop. Owners Ass'n*, 164 So. 3d 140 (Fla. 4th DCA 2015). In *Vista Golf*, the developer of a subdivision golf course imposed restrictions on the golf course before selling it for the benefit of the property values in the community. The developer sold the golf course to a third-party, who challenged the restrictions. The trial court held that although the new golf course owner could not be compelled to operate a golf course, and could not be prevented from selling off portions of the golf course, the entire parcel was restricted for use as a golf course. This was affirmed by the Fourth District Court of Appeal.

Like *Vista Golf*, here the golf course restrictions were imposed by the developer for the protection of the neighborhood property values. Although the developer may sell the golf course property, the land use is restricted to that of a golf course, even though the mechanism that created the restriction here is a plat rather than a separate deed restriction found in *Vista Golf*. See, e.g., *Burnham v. Davis Islands, Inc.*, 87 So. 2d 97 (Fla. 1956) (acknowledging private easement for benefit of subdivision owners to golf course identified on plat exists under Florida

law, but declining to find private easement where plat expressly reserves the absolute right to subdivide or dispose of the golf course in any manner as it may determine (citing *City of Miami v. Fla. E. Coast Ry. Co.*, 84 So. 726 (Fla. 1920)); *McCorquodale v. Keyton*, 63 So. 2d 906 (Fla. 1953); *Powers v. Scobie*, 60 So. 2d 738 (Fla. 1952)).¹ Thus, regardless of who owns the land, the easement is valid and the owner may only use that land for the operation of a golf course.

D. The Special Restrictive Covenant Does Not Extinguish the Easement

Much of this case has involved the interpretation of a Special Restrictive Covenant the developer imposed on the golf course property at the time of sale to Defendant. The Special Restrictive Covenant imposed, among other things, certain first-refusal purchase rights for golf club members in the event Defendant chose to sell the golf course, and its terms expire in the year 2021. The easements created by the plats and deeds in favor of the surrounding subdivision lot owners are not affected by the additional restrictions set forth in the Special Restrictive Covenant as there is no language in that document to limit other restrictions on the land, or that meets any other basis to extinguish prior existing easements. *See, e.g., Bonifay*, at 603 (citing 20 Fla. Jur. 2d Easements Section 23, 27-43). *See* Exhibit L, Special Restrictive Covenant.

In any event, rights created by recorded plats (and the reliance on those plats by purchasers of residential lots) cannot be extinguished by a developer after the developer sells lots to purchasers who relied on the plats. Imposition of the Special Restrictive Covenant at a later date alone is not sufficient to release or terminate the plat restriction. *See, e.g., Tolar v. Meyer*, 96 So. 2d 554 (Fla. 3d DCA 1957) (written acquiescence by owner-subdivider to Dade County Commission could not bind or waive the rights of other parties to the agreement created by the

¹ Unit Twenty-Six is the only platted unit indicating that the golf course is “not a part of this plat.” *See* Exhibit Q, Plat for Unit 26.

restrictive covenants); George W. Thompson, *Thompson on Real Property*, § 3173 (4th ed. 1962) (“[A] restriction imposed alike upon all the lots of a block or tract of land cannot be released to one purchaser or his grantee without the assent of the other purchasers, or their grantees, for whose benefit it was imposed.”).

In explaining this concept, the Florida Supreme Court said in *McCorquodale* that the effect of an implied easement is “to forever bar the developer from denying the owners that which he led them to believe they had....” *McCorquodale*, 63 So. 2d at 910 (emphasis added). Accordingly, the rights were created by the special restrictive covenant operate in addition to the implied easement belonging to KHA and its members, described above. The rights under the implied easement continue indefinitely, unaffected by the 2021 termination of the special restrictive covenant.

IV. DEFENDANT PALMETTO CLUB'S DEFENSES

On summary judgment, the moving party plaintiff “must either factually refute the alleged affirmative defenses or establish that they are legally insufficient to defeat summary judgment.” *Knight Energy Servs., Inc. v. Amoco Oil Co.*, 660 So. 2d 786, 788 (Fla. 4th DCA 1995) (internal citations omitted). Palmetto Club raises three affirmative defenses, all of which fail, as follows:

First, Palmetto Club contends that KHA has failed to properly plead a cause of action for declaratory or injunctive relief. A mere conclusory denial of the allegations, as Palmetto Club does in its First Affirmative Defense, is insufficient. *See, e.g., King v. Rojas*, 767 So. 2d 510, 512 n.1 (Fla. 4th DCA 2000) (concluding that a defendant’s mere elaboration on what is really a simple denial is an insufficient affirmative defense). Therefore, this affirmative defense is legally insufficient and fails.

Palmetto Club next claims that KHA is estopped from asserting any form or right or privilege to the property in dispute pursuant to the provisions of the restrictions, deeds, plats, and covenants in place.² Estoppel rests on the premise that the party asserting the estoppel has acted in reliance upon the prior inconsistent conduct. *Goodwin v. Blu Murray Ins. Agency, Inc.*, 939 So. 2d 1098, 1103 (Fla. 5th DCA 2006). The assertion is that the implied easement is unused or somehow terminated or abandoned, and that Palmetto Club has taken action in reliance on the termination. The evidence is quite the contrary. The existence of the golf course is the primary tool for the developer to maximize property values, and those concerns are relevant to this day. See Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson. Palmetto Club's Second Affirmative Defense fails to allege any statements or conduct by KHA or allege a material change in position by the Palmetto Club. *Watson Clinic, LLP v. Verzosa*, 816 So. 2d 832, 835 (Fla. 2d DCA 2002). The Affidavit of LeAnn Sbordone refutes that any promises were made to Palmetto Club. See Exhibit B, Affidavit of LeAnn Sbordone.

Palmetto Club has already made clear through discovery that it has no argument or evidence with respect to the issue of estoppel that it intends to rely apart from plats for the subdivision and covenants that are already of record in this proceeding. See Exhibit R, Palmetto Club Properties Limited Partnership's Answers To Intervenor's First Set of Interrogatories, p.2; Exhibit S, Defendant's Response To Intervenor's First Request For Production Of Documents, p.3. Accordingly, the dispute between the parties with respect to this affirmative defense does not require additional discovery and resolution of disputed issues of fact. To the contrary, the

² The elements of estoppel are: (1) the party against whom estoppel is sought must have made a representation about a material fact that is contrary to a position it later asserts; (2) the party claiming estoppel must have relied on that representation; and (3) the party seeking estoppel must have changed his position to his detriment based on the representation and his reliance on it. *Davis v. Evans*, 132 So. 2d 476, 481 (Fla. 1st DCA 1961).

parties dispute the legal consequence of undisputed facts, and, accordingly, this issue is ripe for resolution via summary judgment. Palmetto Club's Third Affirmative Defense alleges waiver³ but fails to set forth the necessary elements of such an affirmative defense. Waiver is the intentional relinquishment of a known right. *Bueno v. Workman*, 20 So. 3d 993, 998 (Fla. 4th DCA 2009) (citing *WSG W. Palm Beach Dev., LLC v. Blank*, 990 So. 2d 708, 715 (Fla. 4th DCA 2008)). Nothing in this record establishes any facts that would support a claim of waiver. Again, the Affidavit of LeAnn Sbordone refutes KHA's knowledge of the existence of any rights that were waived, and the mere act of intervening in these proceedings is evidence that KHA intends to protect and preserve any rights that are affected by the outcome of these proceedings.

As with Palmetto Club's estoppel defense, Palmetto Club has already made clear through discovery that it has no argument or evidence with respect to the issue of waiver on which it intends to rely apart from plats for the subdivision and covenants that are already of record in this proceeding. See Exhibit R, Palmetto Club Properties Limited Partnership's Answers To Intervenor's First Set of Interrogatories, p.2; Exhibit S, Defendant's Response To Intervenor's First Request For Production Of Documents, p.3. Accordingly, as with the issue of estoppel, the dispute between the parties with respect to this affirmative defense does not require additional discovery and resolution of disputed issues of fact and is ripe for summary judgment.

With respect to any such affirmative defenses, conclusory defenses without any facts to support the defenses are insufficient. A properly pled affirmative defense includes ultimate facts sufficient to provide notice of the proof the defendant intends to rely upon to defeat the plaintiff's

³ "Breaking down waiver into elements, this court has recognized that three circumstances give rise to a waiver: (1) the existence of a right which may be waived; (2) actual or constructive knowledge of the right; and (3) the intent to relinquish the right. Proof of these elements may be express, or implied from conduct or acts that lead a party to believe a right has been waived. *LeNeve v. Via S. Fla., L.L.C.*, 908 So.2d 530, 535 (Fla. 4th DCA 2005) (citations omitted).

claim. *Zito v. Wash. Fed. Sav. & Loan Ass'n of Miami Beach*, 318 So. 2d 175, 176 (Fla. 3d DCA 1975) (concluding trial judge properly struck an affirmative defense). Certainty is required when pleading defenses, and pleading conclusions of law unsupported by allegations of ultimate fact is legally insufficient. *Cady v. Chevy Chase Sav. & Loan, Inc.*, 528 So. 2d 136 (Fla. 4th DCA 1988) (affirming summary judgment where affirmative defenses were improperly plead (citing *Bliss v. Carmona*, 418 So. 2d 1017, 1019 (Fla. 3d DCA 1982)); 40 Fla.Jur.2d Pleadings §§ 28, 33 (1982)).

None of Defendant's affirmative defenses are supported by any material fact in dispute, and all of the defenses suffer from basic pleading deficiencies, in that they simply recite conclusions without providing any facts to support them. Because of these deficiencies, Palmetto Club's defenses cannot be well-taken. *Roach v. Totalbank*, 85 So. 3d 574, 578 (Fla. 4th DCA 2012) ("The [defendants] merely recited the defenses without setting forth 'the substantial matters of law intended to be argued' and without stating 'with particularity' the bases for those defenses. As the trial court found, the [defendants] waived those defenses."). For these reasons, the affirmative defenses fail.

V. DECLARATORY AND INJUNCTIVE RELIEF

KHA seeks a declaration consistent with its complaint, that the plats and deeds create a private easement which Palmetto Club is equitably estopped from denying, such that the land identified on the plats as "golf course" is restricted to golf course use and the incidents appurtenant thereto including light, air, view, and trees.

Declaratory judgment actions are governed by chapter 86, Florida Statutes, which provides that a party claiming to be interested or in doubt as to its rights under certain

documents, including those involved in this case, may seek a declaration of its rights in the trial court.

A plaintiff is entitled to a declaration where: (1) there is "a bona fide, actual, present practical need" for the declaration; (2) the declaration sought deals with "a present, ascertained or ascertainable state of facts or present controversy as to a state of facts;" (3) an "immunity, power, privilege or right" of the plaintiff depends on the facts or the law that applies to the facts; (4) some persons have an "actual, present, adverse and antagonistic interest" in the subject matter; (5) all persons with an adverse and antagonistic interest are before the court; and (6) the declaration sought does not amount to mere legal advice. *Meadows Cmty. Ass'n, Inc. v. Russell-Tutty*, 928 So. 2d 1276, 1279 (Fla. 2d DCA 2006) (quoting *May v. Holley*, 59 So. 2d 636, 639 (Fla. 1952)).

Defendant has publicly pronounced its intention to change the use of the golf course property by redeveloping a portion of the land for residential, commercial, institutional, or some other use inconsistent with a golf course. Defendant does not deny his intention to redevelop the golf course property. Intervenor KHA seeks a determination of its rights under the relevant recorded plats to enforce an easement as more fully discussed above. This is a present and immediate controversy in need of judicial intervention prior to Defendant's substantial financial outlay for redevelopment.

Where a party seeks a determination as to the validity of certain property restrictions—in this case the use restriction limiting the identified land to golf course use on the relevant plats at issue—declaratory relief is available. *Lambert v. Justus*, 335 So. 2d 818, 819 (Fla. 1976) (granting declaratory relief where plaintiff sought determination of validity of certain use restrictions on their property) (citing *Sinclair Refining Company v. Watson*, 65 So.2d 732 (Fla.

1953), cert. den. 346 U.S. 872, and *Batman v. Creighton*, 101 So.2d 587 (Fla. 2d DCA 1958)). The *Lambert* court recognized that if the petitioners were denied their right to have the issues determined through declaratory judgment relief, they may be forced into the position of affirmatively violating the restrictions so as to provoke a suit for the violation in order to access a forum for adjudication. To that end, the Court determined that declaratory relief was an available and appropriate action. *Id.*, at 821.

Injunctive relief is also appropriate. Generally, a party seeking an injunction must demonstrate a clear legal right, the inadequacy of a remedy at law, and that an irreparable injury will occur if such relief is not granted. *E. Fed. Corp. v. State Office Supply Co.*, 646 So. 2d 737, 741 (Fla. 1st DCA 1994). However, Florida law has long recognized that injunctive relief is available to remedy the violation of a property restriction without a showing that the violation has caused an irreparable injury; that is, an injury for which there is no adequate remedy at law. *See, e.g., Stephi v. Moore*, 114 So. 455, 455 (1927) (rejecting claim that the failure to allege “that a violation of the covenants in [a] deed amounts to an irreparable injury” precluded injunctive relief); *Daniel v. May*, 143 So. 2d 536, 538 (Fla. 2d DCA 1962), (“an injunction against violation of restrictive covenants may be granted although there is no showing of irreparable injury”... “because every piece of land in the world has a peculiar value, infringement of which is not readily remediable by assessment of damages of law.”)

Although the aforementioned cases involve property restrictions arising under a covenant and restriction, the rule in *Stephi* and *May* is not limited to the context of separately recorded restrictive covenants, but applies with equal force in the context of any deed restriction affecting the use of real property, including restrictions incorporated into a deed by reference to a recorded plat, which is the case here. *See Wahrendorff v. Moore*, 93 So. 2d 720, 721-722 (Fla. 1957)

(holding that a deed and plat must be read together and the conditions, reservations, and restrictions shown on the face of the plat are notice to subsequent purchasers).

Intervenor KHA has demonstrated clear legal right to enforce the easement arising under the relevant plats and is therefore entitled to an injunction to prevent the change of use of the land identified on the recorded plats as a golf course.

WHEREFORE, Intervenor Plaintiff Killearn Homes Association, Inc. requests this Court enter summary judgment in its favor for declaratory and injunctive relief against all Defendants, and such other and further relief this Court deems just and proper.

Dated this 18th day of March, 2016.

/s/ Jennifer A. Winegardner, Esq.
Jennifer A. Winegardner
Florida Bar Number 133930
THE CHASE LAW FIRM
1535 Killearn Center Blvd., Suite A1
Tallahassee, Florida 32309
Telephone: (850) 385-9880
jwinegardner@chasefirm.com

/s/ Erik M. Figlio, Esq.
Michael J. Glazer
Florida Bar Number 0286508
Erik M. Figlio
Florida Bar Number 0745251
Ausley McMullen
Post Office Box 391
Tallahassee, Florida 32301
Telephone: (850) 224-9115
Facsimile: (850) 222-7560
mglazer@ausley.com
rfiglio@ausley.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via the electronic filing portal:

Counsel for Plaintiffs:

Mark G. Lawson, Esq.
mlawson@markglawson.com
James C. Dinkins, Esq.
jdinkins@markglawson.com
Kimberly L. King, Esq.
kimking@kingandwoodlaw.com
eservice@kingandwoodlaw.com

Counsel for Defendants:

Daniel E. Manausa, Esq.
danny@manausalaw.com
Frank S. Shaw, III, Esq.
franks@stslaw.com

on this 18th day of March, 2016.

/s/ Jennifer A. Winegardner, Esq.
ATTORNEY

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

JOSEPH B. BLANDFORD et al.,

Plaintiffs,

CASE NO. 2014 CA 002865

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP et al.,

Defendants.

CLAIRE A. DUCHEMIN,
Plaintiff,
v.

CASE NO. 2014 CA 003010

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendant.

PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP'S ANSWERS TO
INTERVENOR'S FIRST SET OF INTERROGATORIES

Defendant, PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP ("Palmetto"),

hereby serves it's answers to Intervenor's First Set of Interrogatories:

1. With regard to the first Affirmative Defense, state with particularity the basis for your claim that Killearn Homes Association, Inc. has failed to properly plead a cause of action for declaratory or injunctive relief.

I am not an attorney and must defer to my attorney on this question. I will say that the Killearn Homes Association, Inc. has stated that my proposed plan for the country club would benefit the vast majority of the homeowners within the

Page 1 of 3

Exhibit R

subdivision. Thus, I am confused as to why the association would claim there is a conflict.

2. With regard to second Affirmative Defense, state with particularity the basis for your claim that property owners or residents that are not Killearn Country Club members are estopped from asserting any form or right or privilege relating to the property in dispute, and include in your answer any and all provisions or language in restrictions, deeds, plats, and covenants on which you rely.

I am not an attorney and must defer to my attorney on this question. The relevant plats for the subdivision are of record and speak for themselves. Likewise, the covenants of record, many of which have expired, likewise speak for themselves.

3. With regard to the third Affirmative Defense, provide the basis for your claim that even if Killearn Homes Association, Inc. or its members acquired rights or interests in the property that is currently in dispute, such rights or interests have been waived.

As a lay person, I am not completely familiar with the issue of waiver. It is my understanding that the clear reading of the relevant plats and covenants, coupled with the expiration of certain covenants, constitutes waiver.

Page 2 of 3

PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP

By: N. Barton Tuck, Jr.
N. Barton Tuck, Jr.

Its: Authorized Agent

STATE OF South Carolina
COUNTY OF Pickens

BEFORE ME, the undersigned authority, personally appeared N. Barton Tuck, Jr., who after being duly sworn, deposed and stated that he/she is an authorized representative of the PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP and is further authorized to answer the foregoing interrogatories and that the answers are true and correct to the best of his/her knowledge.

The foregoing instrument was sworn to and subscribed before me this 29th day of February, 2016.

Melinda L. Andrews
NOTARY PUBLIC

Melinda L. Andrews
Printed Name

My Commission Expires: September 29, 2024



Page 3 of 3

Filing # 38183717 E-Filed 02/23/2016 06:12:05 PM

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:
CASE NO. 2014 CA 2865
CASE NO. 2014 CA 3010

JOSEPH B. BLANDFORD; et al.
Plaintiffs,

KILLEARN HOMES ASSOCIATION, INC.
Intervenor

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendants.

CLAIRE A. DUCHEMIN
Plaintiff

KILLEARN HOMES ASSOCIATION, INC.
Intervenor Plaintiff

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendant

CASE NO. 2014 CA 002865

CASE NO. 2014 CA 003010

DEFENDANT'S RESPONSE TO INTERVENOR'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

Defendant, Palmetto Club Properties Limited Partnership, hereby replies to Intervenor's
First Request For Production Of Documents To Defendant as follows:

Page 1 of 3
Exhibit S

Preliminary Note

The below noted plats and covenants are public records possessed by Intervenor, as such
they will not be produced.

1. No final determination has been made at this time regarding trial evidence. It is
contemplated that Defendant will rely upon the relevant plats, deeds, and covenants of record.
2. Other than the plats, covenants of record, and Florida Statutes applicable to
homeowner's associations, Palmetto possesses no responsive documents.
3. The requested documents are available for inspection and copying by contacting the
undersigned for an appointment. In the alternative, the documents will be delivered at a copy
charge of .25 per page.
4. (a) Other than the plats and covenants of record, Palmetto possesses no
responsive documents.
(b) Other than the plats and covenants of record, Palmetto possesses no responsive
documents.
(c) Other than the plats and covenants of record, Palmetto possesses no responsive
documents. Moreover, Palmetto is relying upon the law on this issue as opposed to documents.
(d) Other than the plats and covenants of record, Palmetto possesses no response of
documents. Moreover, Palmetto is relying upon the law on this issue as opposed to documents.
5. Other than the plats and covenants of record, Palmetto possesses no responsive
documents.

Page 2 of 3

6. The plats and covenants of record support the affirmative defenses. Defendant is not aware of documents that refute the affirmative defenses.

Respectfully submitted this 23rd day of February, 2016.

/s/ Daniel Manausa
DANIEL E. MANAUSA, ESQ.
Florida Bar No. 0053971
M. KIP KRIEGER, ESQ.
Florida Bar No. 0099827
MANAUSA LAW FIRM, P.A.
1701 Hermitage Blvd., Suite 100
Tallahassee, FL 32308
Telephone: (850) 597-7616
Facsimile: (850) 270-6148
Email: kip@manausalaw.com;
Email: danny@manausalaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via this Court's e-filing portal to all registered participants this 23rd day of February, 2016.

/s/ Daniel Manausa
DANIEL MANAUSA

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3044 WATERFORD DR. wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

WE WOULD LIKE TO GO ON RECORD AS BEING IN
FAVOR OF THIS PLAN.

SIGNED:

W. Douglas Strickland Jr. AND

J. Rene S. Strickland
Trustee

Calhoun, Sherri

From: steve@sunsect.com
Sent: Tuesday, November 08, 2016 7:04 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Steve
- **Last Name:** Shafer
- **Street Address:** 3054 Shamrock St N
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** steve@sunsect.com
- **Comments:** I have no problem with changing the zoning provided access to the green spaces is maintained through some type of easement or foot path.

Sharon W. Hardy
3073 Sawgrass Circle
Tallahassee, Florida 32309
850-894-5676

November 10, 2016

Tallahassee-Leon County Planning Department
Attention: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

RECEIVED
2016 NOV 14 A 10:00
TALLAHASSEE/LEON COUNTY

Re: Amendment # PCM201702 - Killearn Country Club and Inn

Dear Commissioners,

I am a resident of Tallahassee, Florida. I live in a community named Greens of Killearn. I moved to my current home in the "Greens" seventeen years ago, and bought a home on the first hole of the North Course (a/k/a "The Narrows") of Killearn Country Club.

I have a **VERY** big concern for Barton Tuck's plans on the first hole of the North course. He wants to move the existing driving range (which has plenty of room where it exists now) and squeeze it into the first hole of the North course, which is very narrow and lined with homes of the Greens of Killearn on one side and a large estate on the other side of this first hole of the North course.

I am sure no one who bought a home on a golf course lot ever planned on having driving golf balls flying by their homes or into their windows, nor did they ever think they would see the day where 100 foot netting would be strung across their back yards. Nor did they think their property values would plummet because of Mr. Tuck's grand scheme. Why would the city allow the liability of these homeowners being hurt because the driving range was allowed to be moved? The driving range is in the right place now. Either it should stay there, or you should not allow another one to be built on such narrow property as the first hole of the North course. Certainly the existing homeowners deserve to have their property values remain stable and not have eye sores erected behind their homes.

Then there is the issue of a flood plain running right through the first hole of the North course. I have watched on heavy rain days, for seventeen years, the very heavy flow of water run down the middle of the first hole, so heavy at times you could float a boat. Furthermore, the entire first hole should be kept as a "flood conservation easement", so nothing can be altered on that hole to affect any other properties

surrounding this area. I had to have my backyard turned into a dry river bed creek because so much water runs through my back yard when it rains. And the North first hole is worse.

As I am sure you know, Barton Tuck's plans also include building certain housing on portions of the North course, and building multi-unit apartments/retirement homes on other portions of the property. This again will degrade property values of those who have previously purchased next to the golf course, and the additional traffic and parking considerations will overwhelm this entire neighborhood. Again you should not allow such a situation to occur.

Please do not allow this kind of re-development to happen and harm so many of your citizens. It's just not right!

Very Sincerely,



Sharon W. Hardy

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

I/We as owner(s) of property at this address: 3073 Sawgrass Circle wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Please see attached letter opposing this development

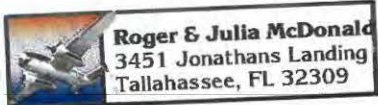
SIGNED: A Hardy

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.



TALLAHASSEE FL 323

15 NOV 2016 PM 2 L

Tallahassee-Leon Co. Planning Dept.
Attn: Comprehensive Planning Div.
300 South Adams Street
Tallahassee, FL 32301

32301+1731

at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

**Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404**

Amendment # PCM201702

I/We as owner(s) of property at this address: 3451 Jonathans Landing wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

We oppose the rezoning of SITE E to any designation permitting higher density of development. Please retain RP designation due to traffic and noise concerns.

SIGNED:

Roger McDonald Julia McDonald

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3000 Sawgrass Circle wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

We think the Killearn C.C. plan is an excellent one and we'd like to see it approved
and completed ASAP. A first class country club and upgraded golf course would positively
benefit our community.

SIGNED:

Burton F. Mead
Carol J. Mead

11/7/16



Mr. & Mrs. Burton F. Mead
3000 Sawgrass Cir
Tallahassee, FL 32309-2886

TALLAHASSEE FL 323

07 NOV 2016 PM 3 L

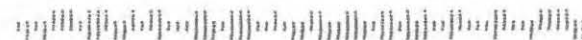


Tallahassee - Leon County Planning Dept.
Attn: Comprehensive Planning Div.
300 South Adams Street
Tallahassee, FL
32301

Flon



3230131731



Calhoun, Sherri

From: burtcarol@centurylink.net
Sent: Wednesday, November 16, 2016 9:26 PM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Meetings to discuss re-zoning of Killearn Country Club

FROM: burtcarol@centurylink.net

DATE: 11/16/2016 09:26:26 PM

SUBJECT: Meetings to discuss re-zoning of Killearn Country Club

We are residents of the former North Course at Killearn Country Club and wanted to send our comments about this subject. We feel that the owner has a good plan and want him to receive approval for his plan. We need new facilities to accompany our very good golf course which would keep Killearn a "golf course" community. Please approve his request for the rezoning.

From: [Bryan Desloge](#)
To: [Pat Curtis](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Oppose Barton Tuck Rezoning Request for Killearn Golf Course Tract
Date: Saturday, November 19, 2016 1:57:19 PM
Attachments: [Notice_PCM201702revised2.doc](#)

Patricia, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Pat Curtis" <pacurtis117@gmail.com> 11/15/2016 5:27 PM >>>
Dear Commissioner Desloge:

The proposed downgrading of land use and zoning requested by Barton N. Tuck (Amendment PCM201702) would have dramatic and long-lasting negative impact on Tree Harbour, a neighborhood of about 110 single family homes located opposite Site E, also known as the North Course.

I've lived happily in Tree Harbour for nearly 20 years, secure in the knowledge that my home and neighborhood were protected by the Killearn Golf Course from heavy traffic and future development. Now, my so-called "golden years" are threatened by a proposal that could ultimately result in construction of 350 apartment units immediately across from the entrance to Tree Harbour. Development of a high-density apartment complex would have the following consequences for me and my neighbors:

- **Generation of heavy traffic on Bay Shore Drive, a narrow, winding two-lane road designed only for local traffic.** Bay Shore is already being used as a shortcut to Shannon Lakes and then to Thomasville Road. Few observe our 25 mph speed limit. Because of its several blind turns, most of us have experienced close calls with school busses and other vehicles.
- **A sharp increase in runoff into Lake Killarney, already an endangered body of water.** Despite the city's installation of culverts and enlarged drainage pipes a few years ago, the lake continues to be a recipient of heavy runoff from the golf course and Kilrush during heavy rains.

- **Depreciation of our property values and quality of life.** Our neighborhood provides affordable housing for seniors like me, young families buying their first homes and others. Some of the value of our homes is tied to our location across from Lake Killarney and near the golf course. If the value of our homes were to depreciate, many of us could not afford to buy other homes. There are simply too few affordable housing options in Tallahassee and none I've found that offer an equivalent quality of life to what we have in Tree Harbour.

Further, Tuck's proposal would forever change the nature of the entire north end of Killarney, one of the first planned unit developments in Florida and a model for the rest of the state. We look to our land use plan and zoning regulations to protect our neighborhoods. Why would city and county officials allow a development that would cause so much damage to our community for the sake of one man's profit?

I am depending on you to look out for my welfare and that of my Tree Harbour neighbors. I hope I can count on you to vote against these proposed land use changes.

Sincerely,
Patricia A. Curtis
3061 Bay Shore Drive
Tallahassee, FL 32309

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:07 PM
To: jhendry101@aol.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates golf course home

Bill, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364

deslogeb@leoncountyfl.gov

>>> <bill.garvin@gmail.com> 11/17/2016 11:20 AM >>>

FROM:"William Garvin <bill.garvin@gmail.com>

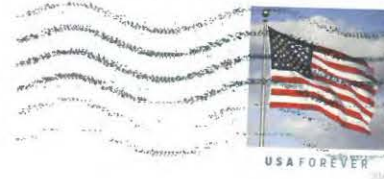
We want to express our opposition to the zoning change requested by Barton Tuck. We oppose this because we fear a change in the character of this neighborhood and because of the increase in traffic that will result with the construction of multi family dwellings. Our home values are already impacted by the closing of the golf course and this will further impact them. Mr. Tuck has stated that the proceeds from the sale of the property will be used to improve the Killearn Country Club facilities. Given Mr. Tuck's history I doubt that he will indeed improve anything. My wife and I reside at 4042 Sawgrass Circle in the Greens of Killearn.

William and Suzanne Garvin

This message sent from the Leon County Website:



TALLAHASSEE FL 32309



Tallahassee-Leon County planning Dept
attn: Comprehensive Planning Division
300 South Adams St.
Tallahassee, FL 32301

Amendment # PCM201702

I/We as owner(s) of property at this address: William & Catherine Addington wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Please pass what Mr. Luck would like to do at Killbuck Country Club, all the old buildings need to be torn down and rebuilt.

SIGNED:

William and Catherine Addington
2913 Edenderry Dr.
Killbuck member since it opened in the 60's.

From: [Bryan Desloge](#)
To: bevie4060@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Estates
Date: Saturday, November 19, 2016 1:53:58 PM

Beverly, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <bevie4060@comcast.net> 11/17/2016 2:49 PM >>>
FROM:"Beverly Locke-Ewald" <bevie4060@comcast.net>

PLEASE,PLEASE do not give permission to Mr. Tuck to rape our beautiful Killearn Estates.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: ginob0@yahoo.com
Sent: Thursday, November 17, 2016 1:44 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Giovanni
- **Last Name:** Betta
- **Street Address:** 3034 Fermanagh Dr
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** ginob0@yahoo.com
- **Comments:** There are roughly 3800 homeowners within the Killearn subdivision. Within this group, there is a small portion opposed to Mr. Tuck's revitalization plan. The Killearn Home Owners' Association has even had small meetings with the small number of disgruntled homeowners. Most homeowners, myself included, are supportive of Mr. Tuck's plan to revitalize our community provided it is done in a manner consistent with the structures within our community. We are not supportive of government subsidized housing or apartment building, however, I feel most of us are supportive of single-family homes, multi-family homes, upscale townhomes/condos, and even a retirement home or other senior center or facility. Mr. Tuck's plan, if realized, will benefit the entire community with increased property values and a better country club which will bring people into the community and have a positive economic impact on the businesses surrounding our area. The Membership voted by a 92% - 8% margin in favor of Tuck's plan. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Please SUPPORT Mr. Tuck's proposed amendment to re-designate some property and revitalize Killearn Country Club and our entire community while keeping in mind the appropriate zoning codes that fit into our community.

Calhoun, Sherri

From: bill.garvin@gmail.com
Sent: Thursday, November 17, 2016 11:44 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** William Garvin
- **Last Name:** Garvin
- **Street Address:** 4042 Sawgrass Circle
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** bill.garvin@gmail.com
- **Comments:** My wife and I stand in opposition to the comprehensive plan change requested by Mr. Barton Tuck. As a resident of Killearn for 15 years we have watched as Mr. Tuck has allowed the Killearn Country Club to deteriorate. In spite of reaching out to the neighborhood for members and providing a quality experience to those of us who would belong to his club he has chosen to milk it dry and now he wants to take more money from his failing investment by selling property that should never be developed. A result of the zoning change will only increase traffic and further degrade the home values in this community. Please pay attention to the amount of taxes we and all of the other home owners pay each year to the city and county before you let an outside interest come in and hurt the character of this outstanding neighborhood.

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street

Rutter

3713 Foxford Circle
Tallahassee, FL 32309

TALLAHASSEE FL 323

23 NOV 2016 PM 3 T

Tallahassee County Planning Dept,
ATTN: Comprehensive Planning Division
300 South Adams St.
Tallahassee, FL 32301

3230131737 C004

Tallahassee-Leon County Planning Department

ATTN: Comprehensive Planning Division

300 South Adams Street

Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3713 Foxford Circle wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Approve Plan

SIGNED: Wendy Rutter

RECEIVED
2016 NOV 29 P 12:30
TALLAHASSEE/LEON COUNTY
PLANNING DEPARTMENT

Calhoun, Sherri

From: jb.sheedy@comcast.net
Sent: Thursday, November 17, 2016 11:00 AM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Rezoning "Narrows" at Killearn

FROM: jb.sheedy@comcast.net

DATE: 11/17/2016 11:00:10 AM

SUBJECT: Rezoning "Narrows" at Killearn

Please seriously consider denying request of Mr. Barton Tuck to negatively effect our mature settled neighborhood where out family has lived for two decades. Wende & Brian Sheedy

Wanda Foulk
3008 Greyabbey Ct (E!)
Tallahassee, FL 32309
TALLAHASSEE FL 323
22 NOV 2016 PM 2 L



Tallahassee Leon Co.
Planning Department
Attn: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301

Form 20
Amendment Cycle 20
is also available on the website.

the community is viewed as
elite & w/ this
development it
will decrease in
value in
every way

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

322 6786

I/We as owner(s) of property at this address: 3008 Greyabbey Ct. wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

Keep area 'E' as open space - We do not
want change in zoning & no additional development
SIGNED: Wanda and David Foulk

Changing this area would change &
actually lower integrity of properties in
Kilearn - the entire community would be affected
in negative way

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:20 PM
To: tgimbel@lawfla.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Country Club - Barton Tuck
Attachments: Notice PCM201702revised2.doc

Tico, thank you for contacting me about this issue. As you may already know, this comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is currently being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that it is included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to not approve the project, to alter it, or as with yours, in support of it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

FROM:"Tico Gimbel <tgimbel@lawfla.com>

Please be advised that the Membership at Killearn Country Club overwhelming approved Tuck's plan to revitalize our club over the next few years with new facilities (i.e. locker rooms, Pro Shop, dining rooms, kitchen, pool area, irrigation, tees boxes, and greens). The Membership voted by a 92% - 8% margin in favor of Tuck's plan. There are some disgruntled folks on the portion of the course that he has had to close to generate funds to cover the anticipated capital outlays. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Most residents do not support a multi-family zoning change but we are in favor of single family zoning or zoning similar to what is necessary to build another area like the Greens of Killearn in the proposed redevelopment location. Please support his plan to re-zone and revitalize Killearn Country Club but maintain appropriate zoning codes.

This message sent from the Leon County Website: www.leoncountyfl.gov

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

Comments/Documents Submitted at the 2017 Amendment Cycle Open House
November 17, 2016

See attached Motion for Summary Judgment offered by KHA. The Motion asserts that the golf course owner is bound by the “promise that land shown on plats as a golf course would be used for that purpose only.” The Motion also argues that “Palmetto Club is estopped from changing the use of the golf course.”

In addition to the plats, the restrictive covenants create a property right that each property owner in Killearn Estates can enforce to have the land used, forever, as a golf course.

This the KHA position in Court and cannot be changed without damaging affected members (property owners in Killearn) who have an independent right to assert these rights.

Filing # 39212229 E-Filed 03/18/2016 03:41:28 PM

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:
CASE NO. 2014 CA 2865
CASE NO. 2014 CA 3010

JOSEPH B. BLANDFORD; et al.,

Plaintiffs,

CASE NO. 2014 CA 002865

KILLEARN HOMES ASSOCIATION, INC.

Intervenor

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP, et al.,

Defendants.

CLAIRE A. DUCHEMIN

Plaintiff

CASE NO. 2014 CA 003010

KILLEARN HOMES ASSOCIATION, INC.

Intervenor Plaintiff

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,

Defendant.

INTERVENOR'S AMENDED MOTION FOR SUMMARY JUDGMENT

Intervenor Plaintiff KILLEARN HOMES ASSOCIATION, INC. ("Intervenor" or
"KHA") moves for entry of Summary Judgment against Defendant PALMETTO CLUB

PROPERTIES LIMITED PARTNERSHIP, ("Defendant" or "Palmetto Club") pursuant to Rule
1.510, Florida Rules of Civil Procedure, relative to the issues in both Case Numbers that have
been consolidated above because there are no genuine issues of material fact and Intervenor is
entitled to judgment as a matter of law.

Intervenor has previously filed Exhibits A-Q in support of its initial motion for summary
judgment, which includes the Affidavits of LeAnn Sbordone, J. Robert Ippolito, Beverly Ewald,
David E. Ferguson, and J.T. Williams, Jr.. The initial motion for summary judgment also relies
on portions of the previously filed deposition transcript of J.T. Williams, Jr. This Amended
Motion for Summary Judgment incorporates the previously filed Exhibits A-Q, the deposition
transcript of J.T. Williams, Jr.. In addition, it relies on Defendant's discovery responses,
supplementing the summary judgment supporting materials as Exhibits R and S, filed with this
amended motion. The particular grounds upon which this motion is based are as follows:

I. INTRODUCTION

Palmetto Club owns a 27-hole golf course located in the Killearn Estates subdivision.
This case arises out of Palmetto Club's intention to close nine holes of the golf course and sell
the land for redevelopment into housing, either multi-family or single-family, medical or
rehabilitation facilities, or some other high-density residential use. The subdivision plat
identifies the golf course as a subdivision amenity, the subdivision was marketed as a golf course
community, and subdivision residential lots were sold to purchasers with the promise that land
shown on plats as a golf course would be used for that purpose only. The developer and his
successor—i.e., the Defendant here—are bound by that promise. See, e.g., *McCorquodale v.*
Keyton, 63 So.2d 906, 910 (Fla. 1953) (holding that easements contained in recorded plats
represent enforceable promises by a developer which can be relied upon by the homebuyers in

purchasing their property); *Easton v. Appler*, 548 So. 2d 691, 694 (Fla. 3d DCA 1989) (recognizing that when property is purchased and the deed refers to the plat with amenities, buyers acquire implied easement); *Bonifay v. Garner*, 445 So. 2d 597, 603 (Fla. 1st DCA 1984) (recognizing *McCorquodale* and that lots sold with reference to a recorded subdivision plat may be conveyed with implied easement in lands of grantor to secure benefits and promises reasonably inferred)

As more fully discussed below, because the golf course appears on plats and in residential deeds, was conveyed by a common developer to Palmetto Club, Palmetto Club is estopped from changing the use of the golf course identified on the subdivision plats.

Intervenor hereby adopts and incorporates by reference herein all of the Summary Judgment materials and exhibits previously filed and served with its initial Motion for Summary Judgment.

II. UNDISPUTED FACTS ESTABLISHED BY THE PLEADINGS AND EVIDENCE

1. Killearn Estates (the "Subdivision") is a platted subdivision in Leon County, Florida. See Exhibit A, Master Plan.
2. KHA is a non-profit Florida corporation and homeowners' association that operates and governs the Subdivision and whose members are the homeowners within the boundaries of the Subdivision, and that also owns property within the Subdivision. See Exhibit B, Affidavit of Executive Director LeAnn Sbordone.
3. The Subdivision was created in 1964 by developer Killearn Properties, Inc. ("Killearn Properties"), and is Tallahassee's first planned unit subdivision with a golf course and underground electric service. See Deposition Transcript of J.T. Williams, filed December 3, 2015 under filing number 35141173, pp. 12-13; 44.

4. The Subdivision was established by platting and developing smaller units, added from time to time, that were annexed and interlocked to create a single growing subdivision. See Plats (e.g., Exhibits C, D, and E).

5. From inception, the centerpiece of the Subdivision has been its award-winning golf course, which was also developed by Killearn Properties and has been used to induce the public to buy property within the Subdivision. See Depo. Tr. J.T. Williams, pp. 14-15; 19-21; 24-25.

6. The golf course was intended to and did increase the land and property values throughout all of the Subdivision. See Depo. Tr. J.T. Williams, pp. 14, 20-21, 45, 48.

7. Any redevelopment of any portion of the golf course would negatively impact the property values in the Subdivision. See Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

8. Development began with a portion of land at the entrance to the Subdivision at Thomasville Road—Unit One—and proceeded unit by unit. The properties within the units are subject to covenants and restrictions that provide for the addition of new units as from time to time as they are developed by Killearn Properties, and are intended to interlock so that all rights of all lot owners in the Subdivision are uniform. (Unit One Covenants at Article I, OR Book 187, Page 254). See Exhibit C, Unit 1 Plat.

9. Development of Unit Two occurred in 1966 and included the property to the south of the initial Unit One off of Killarney Way in and around Limerick Road and Westford. See Exhibit D, Unit 2 Plat.

10. Unit Three was also created in 1966. On the Unit Three plat, Killearn Properties shows and identifies the golf course abutting certain Unit Three lots. See Exhibit E, Unit 3 Plat.

11. After the golf course was developed, Killlearn Properties created Unit Six, and again identified the golf course on the Unit Six plat. *See* Exhibit F, Unit 6 Plat.
12. In 1969, Unit Eight was created and identified the golf course on the plat. *See* Exhibit G, Unit 8 Plat.
13. In 1978, Unit 19 was created and also identified the golf course on the plat. *See* Exhibit H, Unit 19 Plat.
14. Subdivision lots conveyed by the developer to purchasers were done so in reference to and pursuant to the relevant plats. *See* Exhibit I, Affidavit of J. Robert Ippolito; Exhibit J, Affidavit of Beverly Ewald; Exhibit K, Affidavit of David E. Ferguson.
15. Killlearn Properties owned the golf course property in 1981 when it imposed the Special Restrictive Covenant on the golf course property. *See* Depo. Tr. of J.T. Williams, p. 26.
16. The special restrictive covenant provides, among other things, that:
 - a. Killlearn Properties shall maintain architectural control over any building on the golf course property; and
 - b. Is "in addition to pertinent recorded restrictive covenants, if any, and not in limitation thereof..."*See* Exhibit L, Special Restrictive Covenant.
17. In 1987, Palmetto Club, then operating under the name Resort Properties, Ltd., purchased the Killlearn Country Club ("KCC") and the golf course property. *See* Exhibit M, Warranty Deed.
18. Prior to the sale and after the 1987 golf course sale to Defendant, Killlearn Properties, continued to develop Subdivision residential units and continued to identify the golf course on plats. *See* Exhibits N, O, P Plats for Units 27, 40, and The Greens of Killlearn.

19. The Subdivision lots were sold with reference to the relevant unit plat showing and identifying the golf course in its deed. *See* Exhibit I, Affidavit of J. Robert Ippolito; Exhibit J, Affidavit of Beverly Ewald; Exhibit K, Affidavit of David E. Ferguson.
20. Unit Twenty-Six was platted in 1982 and identifies the golf course, and although it is the only platted unit indicating that the golf course is "not a part of this plat," the plat does not refer to the Special Restrictive Covenant. *See* Exhibit Q, Plat for Unit 26.
21. Unit Twenty-Seven was platted in 1988 and identifies "Golf Course Fairway No. 3," "Golf Course Fairway Number 4" and "Golf Course Fairway No. 5," but provides no language to indicate whether the golf course is part of the plat or subdivision, nor does it refer to the Special Restrictive Covenant. *See* Exhibit N, Plat for Unit 27.
22. Unit Forty was platted in October 1992, is a portion of the residential lots developed along the North Nine, identifies the golf course, and indicates it is "unplatted land," but does not make any reference to the Special Restrictive Covenant. *See* Exhibit O, Plat for Unit 40.
23. The Greens of Killlearn was platted in 1994 along another portion of the North Nine, and the plat identifies the "Unplatted Killlearn Golf Course" but makes no mention of the Special Restrictive Covenant. *See* Exhibit P, Plat for Greens of Killlearn.
24. The Subdivision exists as a common development scheme of particular residential homes that were built around a golf course, created by a developer common to both the residential subdivision and the golf course itself. *See* Depo. Tr. of J.T. Williams, pp. 14-15, 25 ("[T]he whole community was geared around the golf and country club.").

25. The creation and existence of the golf course was a significant inducement made by the developer to the public to buy and purchase homes in the Subdivision. *See* Depo. Tr. of J.T. Williams, pp. 44-45.

26. The developer advertised the community as a golf course community and committed those promises on the plats themselves. *See* Depo. Tr. of J.T. Williams, p. 26; Plats (referenced herein).

27. There are currently forty-nine (49) total units developed in the Subdivision. *See* Exhibit B, Affidavit of LeAnn Sbordone.

28. There are approximately 3,800 homeowners within the Subdivision. *See* Exhibit B, Affidavit of LeAnn Sbordone.

29. The deeds to the residential Subdivision lots refer to and incorporate the book and page number of the plats of the units where the property is located. *See* Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

30. KHA has not made any representations about the plats and its rights to enforce the benefits of the plats to Palmetto Club contrary to a later position, that Palmetto Club relied upon and changed its position to its detriment. *See* Exhibit B, Affidavit of LeAnn Sbordone.

31. KHA has not intentionally relinquished any known right with regard to the plats and the enforcement of its rights and those of its members. *See* Exhibit B, Affidavit of LeAnn Sbordone

III. LAW AND ARGUMENT

Florida law is clear that amenities shown on a recorded subdivision plat create an easement in favor of the subdivision landowners who purchased their lots in reliance on the plat itself. *See, e.g., McCorquodale v. Keyton*, 63 So.2d 906, 910 (Fla. 1953) (holding that easements

contained in recorded plats represent enforceable promises by a developer which can be relied upon by the homebuyers in purchasing their property); *Easton v. Appler*, 548 So. 2d 691, 694 (Fla. 3d DCA 1989) (recognizing that when property is purchased and the deed refers to the plat with amenities, buyers acquire implied easement); *Bonifay v. Garner*, 445 So. 2d 597, 603 (Fla. 1st DCA 1984) (following *McCorquodale* and holding that lots sold with reference to a recorded subdivision plat may be conveyed with implied easement in lands of grantor to secure benefits and promises reasonably inferred); *see also Wilson v. Dunlap*, 101 So. 2d 801, 803-04 (Fla. 1958) (recognizing plat designation of land use creates easement in favor of abutting landowners); *Price v. Stratton*, 33 So. 644, 646 (Fla. 1903) (acknowledging that where owner of tract makes a plat evincing intent for use—*i.e.*, public street, his grantees acquire right to have such use); *City of Miami v. E. Realty Co.*, 202 So. 2d 760, 773 (Fla. 3d DCA 1967) (acknowledging lot owners' private easement rights in amenities shown on plat, even where amenities coexist with public use).

The identified plat amenity, whether it be a public road or a private beach or golf course, becomes subservient to the dominant surrounding land. Thus, where a developer identifies a golf course on a plat and sells lots in reference to the plat, as occurred here, the developer and subsequent grantees are bound by that promise. *See* Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

The undisputed facts of this case establish that KHA members purchased lots in Killearn Estates with the developer's promise that the neighborhood would always be a golf course community, giving rise to a common plan or scheme of development. The subdivision plats plainly identify the golf course and show precisely where the golf course land is located. Subdivision lot owners' deeds reference the plats that show the golf course. There is no dispute

that the developer marketed and sold lots in Killearn Estates as a premier golf course community, which was a significant inducement for purchasers of those lots. This creates an implied private easement or easement by implication for the golf course property. Any attempt on the part of the developer or his successors to eliminate the golf course in whole or in part without consent of the Subdivision property owners violates the easement and should be enjoined.

A. KHA and Its Members Have An Implied Private Easement or Easement by Implication for the Golf Course Property

Florida law is clear that the right conveyed to lot owners who purchase in reliance on subdivision amenities identified on a plat is considered an implied private easement. The Florida Supreme Court in *McCorquodale v. Keyton*, 63 So. 2d 906 (Fla. 1953), explained that purchasers of property that is part of a common scheme of development can acquire “[d]istinct and independent private rights in other lands of the grantor” in circumstances when “it is reasonable to infer [the purchaser has been induced by benefits of those other lands] to buy portions of a tract laid out on the plan indicated.” *Id.* at 910. The Court held as follows:

Whenever the owner of a tract of land subdivides the same into lots and blocks, ...and designates portions of said lands to be parks playgrounds or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon...*Common honesty requires that he perform that which at the time of conveyance he represented he would perform.*

Id. at 910 (emphasis added).

Thus, whenever lots are sold with reference to a recorded subdivision plat, the purchasers acquire by implied covenant a private easement in lands of the grantor other than those specifically deeded. And these private easements continue unless extinguished by adverse possession, abandonment, non-use, estoppel, or some other basis. *Bonifay v. Gardner*, 445 So.

2d 597, 603 (Fla. 1st DCA 1984) (holding that private easement under *McCorquodale* may only be extinguished by rules governing extinction of easements).

In *McCorquodale*, the developer platted land and included the words “Sunnyside Park” on the plat, and then sold the lots. The developer constructed a concession stand on Sunnyside Park and operated the concessions for years before selling it to J.M. Webb. Once the developer sold the concession stand, it became a private commercial business that changed the nature of the park to a commercial area inconsistent with the plat. The trial court enjoined the commercial use of the concession stand in the park and the Florida Supreme Court agreed, holding that the park indemnification created an easement that extended to *all of the park*, not all except the parcel occupied by Webb, and that if a person’s rights are invaded, the degree of such invasion is unimportant. Thus, the injunction was approved mandating that any conveyance of the park land be made “subject to the rights of the owners of lots in said subdivision to use the same as a park.” *Id.* at 910-11.

The present case is controlled by *McCorquodale*. Pursuant to *McCorquodale*, an implied easement is created in an amenity if (1) a developer creates a common scheme of development that includes both residential lots and the amenity, (2) the amenity at issue is reflected on recorded plats available to purchasers of residential lots, and (3) the purchasers of residential lots are induced to purchase property in the development, in part in reliance on the existence of the amenity. The undisputed evidence establishes that each of these elements has been satisfied in this case. *McCorquodale* thus dictates that KHA and its members have acquired an implied easement in the golf course.

Plats inform the public, and especially innocent purchasers of property in a subdivision, of the facts and must be interpreted according to the ordinary usage of the words, signs and

symbols thereon, coupled with statutory provisions governing the same. *Coffman v. James*, 177 So. 2d 25, 30 (Fla. 1st DCA 1965) (citing *Servando Bldg. Co. v. Zimmerman*, 91 So. 2d 289, 291 (Fla. 1956) (interpreting plat to advance intention of party marking the dedication)). In *Coffman*, the First District Court of Appeals recognized that land depicted on a recorded plat, even though not labeled by lot number, is part of the subdivision unless the land is specifically marked “not included in this plat.” Otherwise, there is nothing to put purchasers of subdivision property on notice that the unnumbered lot is excluded from the area subdivided. *Coffman*, at 30.

Here, the recorded plats for Units Three, Six, Eight, Twenty-Six, Twenty-Seven, Forty, and the Greens of Killearn, all show and label the golf course land. Only Unit Twenty-Six includes the language “not a part of this plat” that would put purchasers of lots in Unit Twenty-Six on notice that the golf course is not part of the Subdivision. Plats recorded both before and after Unit Twenty-Six show the golf course, but do not contain the words “not a part of this plat.” It is the conveyance with reference to the plat that creates the rights in the purchasers to have the plat maintained according to its references. The purchasers acquire rights to the plat when the plat is conveyed by incorporating it and referencing it in their deed. *Miami-Dade County v. Torbert*, 69 So. 3d 970, 973 (Fla. 3d DCA 2011) (“It is the conveyance with reference to the plat that creates the rights in the purchasers to have the plat maintained according to its references.”).

The lots conveyed by Killearn Properties to the lot owners in the Subdivision were made with the promise that the homes and subdivision were part of a 27-hole golf course community, and this promised to enhance property values for the entire community. “The master plan called for the entire 27 holes from the very beginning.” Depo. Tr. J.T. Williams, p. 15. From the first sales brochures, Killearn Properties advertised the subdivision as a 27-hole golf course community. Depo. Tr. J.T. Williams, p. 19.

The purpose of having a premier golf course in the community was to enhance property values. Depo. Tr. J.T. Williams, p. 20. This is especially true for lots that share a lot line with the golf course: “your backyard is paid for by someone else and manicured properly...they look out in their backyard and have this beautiful golf course and manicured and looks good from the back of their homes.” Depo. Tr. J.T. Williams, p. 21. Indeed “the whole community was geared around a golf and country club.” Depo. Tr. J.T. Williams, p. 25.

The elements necessary to create an implied easement under *McCorquodale* are satisfied. The developer’s undisputed testimony establishes that the Subdivision was a common scheme development with a 27-hole golf course as its centerpiece and that, from the outset, the golf course was used as an inducement to purchasers of residential lots in the Subdivision—both those abutting the golf course and throughout the Subdivision. Furthermore, as provided above, the golf course was depicted on recorded plats, *see, e.g.*, Exhibits C through H; N through P, which made it a matter of public record, and put the public on notice, that the intended use of the land was for a golf course. These plats were incorporated into the deeds of the purchasers, and established the lot owners’ reliance on the plat promises. *See, e.g.*, Exhibits I, J, and K.

Accordingly, pursuant to *McCorquodale*, the conveyances of residential lots in the Subdivision created an implied easement for the benefit of KHA and its members. When Killearn Properties conveyed the golf course land to Palmetto Club, it did so subject to the rights of the homeowners in the Subdivision to have a 27-hole golf course in their community. *Wilson*, 101 So. 2d at 804 (“Nothing ... will prevent a conveyance of this residual fee by the original grantor to another party, for the presumption would be that the grantee took title in full recognition of the easement with which it is encumbered.”). Therefore, the plats and deeds created a private easement in favor of the lot owners so that the land identified in the Killearn

Estates master plan as golf course (and on the recorded plats incident thereto) will be limited to use only as a golf course.

B. A Platted Golf Course Is Not A Condition Precedent For An Implied Easement

The golf course itself is not platted land, nor is the golf course land encumbered by subdivision covenants and restrictions. This, however, does not change the effect of *McCorquodale* and the effect of the implied easement. *McCorquodale* only requires that the golf course be identified on the plats associated with residential lots and induce prospective purchasers of residential lots to make those purchases.

The golf course land, regardless of whether it was platted, became the servient estate to the individual platted lots in the Subdivision by the developer and common grantor, Killearn Properties. The developer had no obligation to separately plat the golf course before making it a servient estate to the Subdivision lots.

It is not necessary that a plat or a map of a person's property showing lots and blocks be recorded before it can be sold. It may be more convenient to sell by lots and blocks as was shown by a recorded plat, but he may sell it by the inch, the foot, or the yard, and describe it by metes and bounds.

Garvin v. Baker, 59 So. 2d 360, 365 (Fla. 1952).

The Florida Supreme Court has long held that "a landowner is not required to plat his land incident to selling it." *Kass v. Lewin*, 104 So. 2d 572, 579 (Fla. 1958). The Subdivision was held out by its developer to the general public as a 27-hole golf course community, Depo. Tr. J.T. Williams, pp. 14-15; 19-21; 24-25, and Palmetto Club took ownership of the golf course property which was burdened by that restriction. See *Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307-308 (Fla. 2d DCA 1966) (holding that restrictions imposed by a general development plan are valid and enforceable even though not specifically incorporated in the deed to the person

against whom enforcement presently is sought). It is not essential to the existence of a uniform plan that there be plats or dedication maps filed, or that there should even be uniform plottage.

Id.

Thus it is irrelevant that Killearn Properties recorded plats for the residential subdivision lots but not for the golf course land. The entire tract—the platted subdivision lots and the golf course land—was owned and developed by Killearn Properties as a single golf course community, and the implied easement is no less valid and enforceable by the unplatted nature of the golf course land.

C. This Court Has Authority To Enforce the Requirement that the Golf Course Property Be Used For Golf Course Purposes

The Court has authority to restrict the use of the property to a golf course. *Vista Golf, LLC v. Vista Royale Prop. Owners Ass'n*, 164 So. 3d 140 (Fla. 4th DCA 2015). In *Vista Golf*, the developer of a subdivision golf course imposed restrictions on the golf course before selling it for the benefit of the property values in the community. The developer sold the golf course to a third-party, who challenged the restrictions. The trial court held that although the new golf course owner could not be compelled to operate a golf course, and could not be prevented from selling off portions of the golf course, the entire parcel was restricted for use as a golf course. This was affirmed by the Fourth District Court of Appeal.

Like *Vista Golf*, here the golf course restrictions were imposed by the developer for the protection of the neighborhood property values. Although the developer may sell the golf course property, the land use is restricted to that of a golf course, even though the mechanism that created the restriction here is a plat rather than a separate deed restriction found in *Vista Golf*. See, e.g., *Burnham v. Davis Islands, Inc.*, 87 So. 2d 97 (Fla. 1956) (acknowledging private easement for benefit of subdivision owners to golf course identified on plat exists under Florida

law, but declining to find private easement where plat expressly reserves the absolute right to subdivide or dispose of the golf course in any manner as it may determine (citing *City of Miami v. Fla. E. Coast Ry. Co.*, 84 So. 726 (Fla. 1920)); *McCorquodale v. Keyton*, 63 So. 2d 906 (Fla. 1953); *Powers v. Scobie*, 60 So. 2d 738 (Fla. 1952)).¹ Thus, regardless of who owns the land, the easement is valid and the owner may only use that land for the operation of a golf course.

D. The Special Restrictive Covenant Does Not Extinguish the Easement

Much of this case has involved the interpretation of a Special Restrictive Covenant the developer imposed on the golf course property at the time of sale to Defendant. The Special Restrictive Covenant imposed, among other things, certain first-refusal purchase rights for golf club members in the event Defendant chose to sell the golf course, and its terms expire in the year 2021. The easements created by the plats and deeds in favor of the surrounding subdivision lot owners are not affected by the additional restrictions set forth in the Special Restrictive Covenant as there is no language in that document to limit other restrictions on the land, or that meets any other basis to extinguish prior existing easements. *See, e.g., Bonifay*, at 603 (citing 20 Fla. Jur. 2d Easements Section 23, 27-43). *See* Exhibit L, Special Restrictive Covenant.

In any event, rights created by recorded plats (and the reliance on those plats by purchasers of residential lots) cannot be extinguished by a developer after the developer sells lots to purchasers who relied on the plats. Imposition of the Special Restrictive Covenant at a later date alone is not sufficient to release or terminate the plat restriction. *See, e.g., Tolar v. Meyer*, 96 So. 2d 554 (Fla. 3d DCA 1957) (written acquiescence by owner-subdivider to Dade County Commission could not bind or waive the rights of other parties to the agreement created by the

¹ Unit Twenty-Six is the only platted unit indicating that the golf course is “not a part of this plat.” *See* Exhibit Q, Plat for Unit 26.

restrictive covenants); George W. Thompson, *Thompson on Real Property*, § 3173 (4th ed. 1962) (“[A] restriction imposed alike upon all the lots of a block or tract of land cannot be released to one purchaser or his grantee without the assent of the other purchasers, or their grantees, for whose benefit it was imposed.”).

In explaining this concept, the Florida Supreme Court said in *McCorquodale* that the effect of an implied easement is “to forever bar the developer from denying the owners that which he led them to believe they had....” *McCorquodale*, 63 So. 2d at 910 (emphasis added). Accordingly, the rights were created by the special restrictive covenant operate in addition to the implied easement belonging to KHA and its members, described above. The rights under the implied easement continue indefinitely, unaffected by the 2021 termination of the special restrictive covenant.

IV. DEFENDANT PALMETTO CLUB'S DEFENSES

On summary judgment, the moving party plaintiff “must either factually refute the alleged affirmative defenses or establish that they are legally insufficient to defeat summary judgment.” *Knight Energy Servs., Inc. v. Amoco Oil Co.*, 660 So. 2d 786, 788 (Fla. 4th DCA 1995) (internal citations omitted). Palmetto Club raises three affirmative defenses, all of which fail, as follows:

First, Palmetto Club contends that KHA has failed to properly plead a cause of action for declaratory or injunctive relief. A mere conclusory denial of the allegations, as Palmetto Club does in its First Affirmative Defense, is insufficient. *See, e.g., King v. Rojas*, 767 So. 2d 510, 512 n.1 (Fla. 4th DCA 2000) (concluding that a defendant’s mere elaboration on what is really a simple denial is an insufficient affirmative defense). Therefore, this affirmative defense is legally insufficient and fails.

Palmetto Club next claims that KHA is estopped from asserting any form or right or privilege to the property in dispute pursuant to the provisions of the restrictions, deeds, plats, and covenants in place.² Estoppel rests on the premise that the party asserting the estoppel has acted in reliance upon the prior inconsistent conduct. *Goodwin v. Blu Murray Ins. Agency, Inc.*, 939 So. 2d 1098, 1103 (Fla. 5th DCA 2006). The assertion is that the implied easement is unused or somehow terminated or abandoned, and that Palmetto Club has taken action in reliance on the termination. The evidence is quite the contrary. The existence of the golf course is the primary tool for the developer to maximize property values, and those concerns are relevant to this day. See Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson. Palmetto Club's Second Affirmative Defense fails to allege any statements or conduct by KHA or allege a material change in position by the Palmetto Club. *Watson Clinic, LLP v. Verzosa*, 816 So. 2d 832, 835 (Fla. 2d DCA 2002). The Affidavit of LeAnn Sbordone refutes that any promises were made to Palmetto Club. See Exhibit B, Affidavit of LeAnn Sbordone.

Palmetto Club has already made clear through discovery that it has no argument or evidence with respect to the issue of estoppel that it intends to rely apart from plats for the subdivision and covenants that are already of record in this proceeding. See Exhibit R, Palmetto Club Properties Limited Partnership's Answers To Intervenor's First Set of Interrogatories, p.2; Exhibit S, Defendant's Response To Intervenor's First Request For Production Of Documents, p.3. Accordingly, the dispute between the parties with respect to this affirmative defense does not require additional discovery and resolution of disputed issues of fact. To the contrary, the

² The elements of estoppel are: (1) the party against whom estoppel is sought must have made a representation about a material fact that is contrary to a position it later asserts; (2) the party claiming estoppel must have relied on that representation; and (3) the party seeking estoppel must have changed his position to his detriment based on the representation and his reliance on it. *Davis v. Evans*, 132 So. 2d 476, 481 (Fla. 1st DCA 1961).

parties dispute the legal consequence of undisputed facts, and, accordingly, this issue is ripe for resolution via summary judgment. Palmetto Club's Third Affirmative Defense alleges waiver³ but fails to set forth the necessary elements of such an affirmative defense. Waiver is the intentional relinquishment of a known right. *Bueno v. Workman*, 20 So. 3d 993, 998 (Fla. 4th DCA 2009) (citing *WSG W. Palm Beach Dev., LLC v. Blank*, 990 So. 2d 708, 715 (Fla. 4th DCA 2008)). Nothing in this record establishes any facts that would support a claim of waiver. Again, the Affidavit of LeAnn Sbordone refutes KHA's knowledge of the existence of any rights that were waived, and the mere act of intervening in these proceedings is evidence that KHA intends to protect and preserve any rights that are affected by the outcome of these proceedings.

As with Palmetto Club's estoppel defense, Palmetto Club has already made clear through discovery that it has no argument or evidence with respect to the issue of waiver on which it intends to rely apart from plats for the subdivision and covenants that are already of record in this proceeding. See Exhibit R, Palmetto Club Properties Limited Partnership's Answers To Intervenor's First Set of Interrogatories, p.2; Exhibit S, Defendant's Response To Intervenor's First Request For Production Of Documents, p.3. Accordingly, as with the issue of estoppel, the dispute between the parties with respect to this affirmative defense does not require additional discovery and resolution of disputed issues of fact and is ripe for summary judgment.

With respect to any such affirmative defenses, conclusory defenses without any facts to support the defenses are insufficient. A properly pled affirmative defense includes ultimate facts sufficient to provide notice of the proof the defendant intends to rely upon to defeat the plaintiff's

³ "Breaking down waiver into elements, this court has recognized that three circumstances give rise to a waiver: (1) the existence of a right which may be waived; (2) actual or constructive knowledge of the right; and (3) the intent to relinquish the right. Proof of these elements may be express, or implied from conduct or acts that lead a party to believe a right has been waived. *LeNeve v. Via S. Fla., L.L.C.*, 908 So.2d 530, 535 (Fla. 4th DCA 2005) (citations omitted).

claim. *Zito v. Wash. Fed. Sav. & Loan Ass'n of Miami Beach*, 318 So. 2d 175, 176 (Fla. 3d DCA 1975) (concluding trial judge properly struck an affirmative defense). Certainty is required when pleading defenses, and pleading conclusions of law unsupported by allegations of ultimate fact is legally insufficient. *Cady v. Chevy Chase Sav. & Loan, Inc.*, 528 So. 2d 136 (Fla. 4th DCA 1988) (affirming summary judgment where affirmative defenses were improperly plead (citing *Bliss v. Carmona*, 418 So. 2d 1017, 1019 (Fla. 3d DCA 1982)); 40 Fla.Jur.2d Pleadings §§ 28, 33 (1982)).

None of Defendant's affirmative defenses are supported by any material fact in dispute, and all of the defenses suffer from basic pleading deficiencies, in that they simply recite conclusions without providing any facts to support them. Because of these deficiencies, Palmetto Club's defenses cannot be well-taken. *Roach v. Totalbank*, 85 So. 3d 574, 578 (Fla. 4th DCA 2012) ("The [defendants] merely recited the defenses without setting forth 'the substantial matters of law intended to be argued' and without stating 'with particularity' the bases for those defenses. As the trial court found, the [defendants] waived those defenses."). For these reasons, the affirmative defenses fail.

V. DECLARATORY AND INJUNCTIVE RELIEF

KHA seeks a declaration consistent with its complaint, that the plats and deeds create a private easement which Palmetto Club is equitably estopped from denying, such that the land identified on the plats as "golf course" is restricted to golf course use and the incidents appurtenant thereto including light, air, view, and trees.

Declaratory judgment actions are governed by chapter 86, Florida Statutes, which provides that a party claiming to be interested or in doubt as to its rights under certain

documents, including those involved in this case, may seek a declaration of its rights in the trial court.

A plaintiff is entitled to a declaration where: (1) there is "a bona fide, actual, present practical need" for the declaration; (2) the declaration sought deals with "a present, ascertained or ascertainable state of facts or present controversy as to a state of facts;" (3) an "immunity, power, privilege or right" of the plaintiff depends on the facts or the law that applies to the facts; (4) some persons have an "actual, present, adverse and antagonistic interest" in the subject matter; (5) all persons with an adverse and antagonistic interest are before the court; and (6) the declaration sought does not amount to mere legal advice. *Meadows Cmty. Ass'n, Inc. v. Russell-Tutty*, 928 So. 2d 1276, 1279 (Fla. 2d DCA 2006) (quoting *May v. Holley*, 59 So. 2d 636, 639 (Fla. 1952)).

Defendant has publicly pronounced its intention to change the use of the golf course property by redeveloping a portion of the land for residential, commercial, institutional, or some other use inconsistent with a golf course. Defendant does not deny his intention to redevelop the golf course property. Intervenor KHA seeks a determination of its rights under the relevant recorded plats to enforce an easement as more fully discussed above. This is a present and immediate controversy in need of judicial intervention prior to Defendant's substantial financial outlay for redevelopment.

Where a party seeks a determination as to the validity of certain property restrictions—in this case the use restriction limiting the identified land to golf course use on the relevant plats at issue—declaratory relief is available. *Lambert v. Justus*, 335 So. 2d 818, 819 (Fla. 1976) (granting declaratory relief where plaintiff sought determination of validity of certain use restrictions on their property) (citing *Sinclair Refining Company v. Watson*, 65 So.2d 732 (Fla.

1953), cert. den. 346 U.S. 872, and *Batman v. Creighton*, 101 So.2d 587 (Fla. 2d DCA 1958)). The *Lambert* court recognized that if the petitioners were denied their right to have the issues determined through declaratory judgment relief, they may be forced into the position of affirmatively violating the restrictions so as to provoke a suit for the violation in order to access a forum for adjudication. To that end, the Court determined that declaratory relief was an available and appropriate action. *Id.*, at 821.

Injunctive relief is also appropriate. Generally, a party seeking an injunction must demonstrate a clear legal right, the inadequacy of a remedy at law, and that an irreparable injury will occur if such relief is not granted. *E. Fed. Corp. v. State Office Supply Co.*, 646 So. 2d 737, 741 (Fla. 1st DCA 1994). However, Florida law has long recognized that injunctive relief is available to remedy the violation of a property restriction without a showing that the violation has caused an irreparable injury; that is, an injury for which there is no adequate remedy at law. *See, e.g., Stephi v. Moore*, 114 So. 455, 455 (1927) (rejecting claim that the failure to allege “that a violation of the covenants in [a] deed amounts to an irreparable injury” precluded injunctive relief); *Daniel v. May*, 143 So. 2d 536, 538 (Fla. 2d DCA 1962), (“an injunction against violation of restrictive covenants may be granted although there is no showing of irreparable injury”... “because every piece of land in the world has a peculiar value, infringement of which is not readily remediable by assessment of damages of law.”)

Although the aforementioned cases involve property restrictions arising under a covenant and restriction, the rule in *Stephi* and *May* is not limited to the context of separately recorded restrictive covenants, but applies with equal force in the context of any deed restriction affecting the use of real property, including restrictions incorporated into a deed by reference to a recorded plat, which is the case here. *See Wahrendorff v. Moore*, 93 So. 2d 720, 721-722 (Fla. 1957)

(holding that a deed and plat must be read together and the conditions, reservations, and restrictions shown on the face of the plat are notice to subsequent purchasers).

Intervenor KHA has demonstrated clear legal right to enforce the easement arising under the relevant plats and is therefore entitled to an injunction to prevent the change of use of the land identified on the recorded plats as a golf course.

WHEREFORE, Intervenor Plaintiff Killearn Homes Association, Inc. requests this Court enter summary judgment in its favor for declaratory and injunctive relief against all Defendants, and such other and further relief this Court deems just and proper.

Dated this 18th day of March, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via the electronic filing portal:

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on this 18th day of March, 2016.

/s/ Jennifer A. Winegardner, Esq.
ATTORNEY

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

JOSEPH B. BLANDFORD et al.,

Plaintiffs,

CASE NO. 2014 CA 002865

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP et al.,

Defendants.

CLAIRE A. DUCHEMIN,
Plaintiff,
v.

CASE NO. 2014 CA 003010

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendant.

PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP'S ANSWERS TO
INTERVENOR'S FIRST SET OF INTERROGATORIES

Defendant, PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP ("Palmetto"),
hereby serves it's answers to Intervenor's First Set of Interrogatories:

1. With regard to the first Affirmative Defense, state with particularity the basis for your claim that Killearn Homes Association, Inc. has failed to properly plead a cause of action for declaratory or injunctive relief.

I am not an attorney and must defer to my attorney on this question. I will say that the Killearn Homes Association, Inc. has stated that my proposed plan for the country club would benefit the vast majority of the homeowners within the

Page 1 of 3

Exhibit R

subdivision. Thus, I am confused as to why the association would claim there is a conflict.

2. With regard to second Affirmative Defense, state with particularity the basis for your claim that property owners or residents that are not Killearn Country Club members are estopped from asserting any form or right or privilege relating to the property in dispute, and include in your answer any and all provisions or language in restrictions, deeds, plats, and covenants on which you rely.

I am not an attorney and must defer to my attorney on this question. The relevant plats for the subdivision are of record and speak for themselves. Likewise, the covenants of record, many of which have expired, likewise speak for themselves.

3. With regard to the third Affirmative Defense, provide the basis for your claim that even if Killearn Homes Association, Inc. or its members acquired rights or interests in the property that is currently in dispute, such rights or interests have been waived.

As a lay person, I am not completely familiar with the issue of waiver. It is my understanding that the clear reading of the relevant plats and covenants, coupled with the expiration of certain covenants, constitutes waiver.

PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP

By: N. Barton Tuck, Jr.
N. Barton Tuck, Jr.

Its: Authorized Agent

STATE OF South Carolina
COUNTY OF Pickens

BEFORE ME, the undersigned authority, personally appeared N. Barton Tuck, Jr., who after being duly sworn, deposed and stated that he/she is an authorized representative of the PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP and is further authorized to answer the foregoing interrogatories and that the answers are true and correct to the best of his/her knowledge.

The foregoing instrument was sworn to and subscribed before me this 29th day of February, 2016.

Melinda L. Andrews
NOTARY PUBLIC

Melinda L. Andrews
Printed Name

My Commission Expires: My Commission Expires
September 29, 2024



Filing # 38183717 E-Filed 02/23/2016 06:12:05 PM

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:
CASE NO. 2014 CA 2865
CASE NO. 2014 CA 3010

JOSEPH B. BLANDFORD; et al.
Plaintiffs,

KILLEARN HOMES ASSOCIATION, INC.
Intervenor

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendants.

CLAIRE A. DUCHEMIN
Plaintiff

KILLEARN HOMES ASSOCIATION, INC.
Intervenor Plaintiff

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendant

CASE NO. 2014 CA 002865

CASE NO. 2014 CA 003010

DEFENDANT'S RESPONSE TO INTERVENOR'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

Defendant, Palmetto Club Properties Limited Partnership, hereby replies to Intervenor's
First Request For Production Of Documents To Defendant as follows:

Page 1 of 3
Exhibit S

Preliminary Note

The below noted plats and covenants are public records possessed by Intervenor, as such
they will not be produced.

1. No final determination has been made at this time regarding trial evidence. It is
contemplated that Defendant will rely upon the relevant plats, deeds, and covenants of record.
2. Other than the plats, covenants of record, and Florida Statutes applicable to
homeowner's associations, Palmetto possesses no responsive documents.
3. The requested documents are available for inspection and copying by contacting the
undersigned for an appointment. In the alternative, the documents will be delivered at a copy
charge of .25 per page.
4. (a) Other than the plats and covenants of record, Palmetto possesses no
responsive documents.
(b) Other than the plats and covenants of record, Palmetto possesses no responsive
documents.
(c) Other than the plats and covenants of record, Palmetto possesses no responsive
documents. Moreover, Palmetto is relying upon the law on this issue as opposed to documents.
(d) Other than the plats and covenants of record, Palmetto possesses no response of
documents. Moreover, Palmetto is relying upon the law on this issue as opposed to documents.
5. Other than the plats and covenants of record, Palmetto possesses no responsive
documents.

Page 2 of 3

6. The plats and covenants of record support the affirmative defenses. Defendant is not aware of documents that refute the affirmative defenses.

Respectfully submitted this 23rd day of February, 2016.

/s/ Daniel Manausa
DANIEL E. MANAUSA, ESQ.
Florida Bar No. 0053971
M. KIP KRIEGER, ESQ.
Florida Bar No. 0099827
MANAUSA LAW FIRM, P.A.
1701 Hermitage Blvd., Suite 100
Tallahassee, FL 32308
Telephone: (850) 597-7616
Facsimile: (850) 270-6148
Email: kip@manausalaw.com;
Email: danny@manausalaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via this Court's e-filing portal to all registered participants this 23rd day of February, 2016.

/s/ Daniel Manausa
DANIEL MANAUSA

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3044 WATERFORD DR. wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

WE WOULD LIKE TO GO ON RECORD AS BEING IN
FAVOR OF THIS PLAN.

SIGNED:

W. Douglas Strickland Jr. AND

J. James S. Strickland
Trustee

Calhoun, Sherri

From: steve@sunsect.com
Sent: Tuesday, November 08, 2016 7:04 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Steve
- **Last Name:** Shafer
- **Street Address:** 3054 Shamrock St N
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** steve@sunsect.com
- **Comments:** I have no problem with changing the zoning provided access to the green spaces is maintained through some type of easement or foot path.

Sharon W. Hardy
3073 Sawgrass Circle
Tallahassee, Florida 32309
850-894-5676

November 10, 2016

Tallahassee-Leon County Planning Department
Attention: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

RECEIVED
2016 NOV 14 A 10:00
TALLAHASSEE/LEON COUNTY

Re: Amendment # PCM201702 - Killearn Country Club and Inn

Dear Commissioners,

I am a resident of Tallahassee, Florida. I live in a community named Greens of Killearn. I moved to my current home in the "Greens" seventeen years ago, and bought a home on the first hole of the North Course (a/k/a "The Narrows") of Killearn Country Club.

I have a **VERY** big concern for Barton Tuck's plans on the first hole of the North course. He wants to move the existing driving range (which has plenty of room where it exists now) and squeeze it into the first hole of the North course, which is very narrow and lined with homes of the Greens of Killearn on one side and a large estate on the other side of this first hole of the North course.

I am sure no one who bought a home on a golf course lot ever planned on having driving golf balls flying by their homes or into their windows, nor did they ever think they would see the day where 100 foot netting would be strung across their back yards. Nor did they think their property values would plummet because of Mr. Tuck's grand scheme. Why would the city allow the liability of these homeowners being hurt because the driving range was allowed to be moved? The driving range is in the right place now. Either it should stay there, or you should not allow another one to be built on such narrow property as the first hole of the North course. Certainly the existing homeowners deserve to have their property values remain stable and not have eye sores erected behind their homes.

Then there is the issue of a flood plain running right through the first hole of the North course. I have watched on heavy rain days, for seventeen years, the very heavy flow of water run down the middle of the first hole, so heavy at times you could float a boat. Furthermore, the entire first hole should be kept as a "flood conservation easement", so nothing can be altered on that hole to affect any other properties

surrounding this area. I had to have my backyard turned into a dry river bed creek because so much water runs through my back yard when it rains. And the North first hole is worse.

As I am sure you know, Barton Tuck's plans also include building certain housing on portions of the North course, and building multi-unit apartments/retirement homes on other portions of the property. This again will degrade property values of those who have previously purchased next to the golf course, and the additional traffic and parking considerations will overwhelm this entire neighborhood. Again you should not allow such a situation to occur.

Please do not allow this kind of re-development to happen and harm so many of your citizens. It's just not right!

Very Sincerely,



Sharon W. Hardy

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

I/We as owner(s) of property at this address: 3073 Sawgrass Circle wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Please see attached letter opposing this development

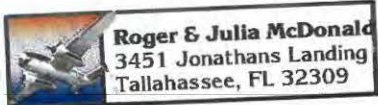
SIGNED: A Hardy

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.



TALLAHASSEE FL 323

15 NOV 2016 PM 2 L

Tallahassee-Leon Co. Planning Dept.
Attn: Comprehensive Planning Div.
300 South Adams Street
Tallahassee, FL 32301

32301+1731

at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 **Fax: (850) 891-6404**

Amendment # PCM201702

I/We as owner(s) of property at this address: 3451 Jonathans Landing wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

We oppose the rezoning of SITE E to any designation permitting higher density of development. Please retain RP designation due to traffic and noise concerns.

SIGNED:

Roger McDonald Julia McDonald

From: [Nick Maddox](#)
To: avaran3@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Request for Change to Land Use of Killearn Country Club Narrows
Date: Tuesday, December 06, 2016 10:36:01 AM

Ms. O'Hollearn,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <avaran3@yahoo.com> 11/17/2016 11:41 AM >>>
FROM:"Ava O'Hollearn <avaran3@yahoo.com>

Greetings:

Please, please do not grant Mr. Tucks' request to change the land use designation of the NE section of the Killearn Country Club golf course (commonly referred to as the Narrows).

Many of us bought our homes in Killearn Estates without knowing that Mr. Tuck could change the dynamic our neighborhood, in its entirety, were he ever to feel so compelled.

Currently, our neighborhood is beautiful, safe, and home to peoples of all ages. Were there to be an influx of traffic, noise, and loss of green space those of us who relish our lifestyles we're paying taxes to enjoy would no longer exist.

We bought our home, of a large sum of money, planning to stay into retirement. We read the bylaws word for word before submitting our offer to the previous owners. It's shocking to now have to realize that our fate is in the hands of those who don't know us, and probably care little about how difficult relocating would be.

I'm begging you to please decline Mr. Tuck's request.

Sincerely,
Ava O'Hollearn

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 1:08:25 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: benogburn@roadrunner.com [<mailto:benogburn@roadrunner.com>]
Sent: Tuesday, February 14, 2017 1:06 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Bartuck rezoning Killearn estates

Name: Benjamin and Elizabeth Ogburn

Street Address: 3097 Sawgrass Circle

City: Tallahassee

State: Florida

Zip: 32309

Email Address: benogburn@roadrunner.com

Comments: I am writing to voice my opposition to the above proposal. Enough damage has been done to the estate with out compounding the problem. It does not make sense that Mr. Tuck is going to take the profits of his projected sale and plow the money into the club. He has thus far let the club go to rack and ruin, and has not put any money into the refurbishment of the club while taking \$50,000 every month.

Calhoun, Sherri

From: ginob0@yahoo.com
Sent: Thursday, November 17, 2016 1:44 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Giovanni
- **Last Name:** Betta
- **Street Address:** 3034 Fermanagh Dr
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** ginob0@yahoo.com
- **Comments:** There are roughly 3800 homeowners within the Killearn subdivision. Within this group, there is a small portion opposed to Mr. Tuck's revitalization plan. The Killearn Home Owners' Association has even had small meetings with the small number of disgruntled homeowners. Most homeowners, myself included, are supportive of Mr. Tuck's plan to revitalize our community provided it is done in a manner consistent with the structures within our community. We are not supportive of government subsidized housing or apartment building, however, I feel most of us are supportive of single-family homes, multi-family homes, upscale townhomes/condos, and even a retirement home or other senior center or facility. Mr. Tuck's plan, if realized, will benefit the entire community with increased property values and a better country club which will bring people into the community and have a positive economic impact on the businesses surrounding our area. The Membership voted by a 92% - 8% margin in favor of Tuck's plan. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Please SUPPORT Mr. Tuck's proposed amendment to re-designate some property and revitalize Killearn Country Club and our entire community while keeping in mind the appropriate zoning codes that fit into our community.

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killlearn Country Club
Date: Wednesday, January 18, 2017 10:07:10 AM

Please include in the record.

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

From: Betty Jones [<mailto:ebjones1938@gmail.com>]
Sent: Monday, January 16, 2017 4:15 PM
To: Thomas, Debra <Debra.Thomas@talgov.com>
Subject: Killlearn Country Club

PLEASE SUPPORT MR. TUCK'S PLAN!

Sent from my iPhone

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Betty Jones](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Tedder, Wayne](#)
Subject: Betty Jones RE: KILLEARN COUNTRY CLUB
Date: Wednesday, January 18, 2017 5:07:54 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

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

From: Betty Jones [<mailto:ebjones1938@gmail.com>]
Sent: Monday, January 16, 2017 3:23 PM
To: Gillum, Andrew
Subject: KILLEARN COUNTRY CLUB

PLEASE SUPPORT MR. TUCK'S PLAN!
Sent from my iPhone

From: [Bryan Desloge](#)
To: [Betty Jones](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Tuesday, January 17, 2017 1:23:33 PM

Betty, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov
>>> Betty Jones <ebjones1938@gmail.com> 1/16/2017 3:07 PM >>>

Please support Mr. Tuck's plan!
Sent from my iPhone

From: [Nick Maddox](#)
To: [Betty Jones](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Thursday, January 19, 2017 12:37:08 PM

Ms. Jones,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

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>>> Betty Jones <ebjones1938@gmail.com> 1/16/2017 3:11 PM >>>

Please support Mr. Tuck's plan!
Sent from my iPhone

From: defgennaro020@comcast.net
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Monday, December 05, 2016 9:30:36 AM

- **Amendment:** PCM201701 Map
- **First Name:** Beverly
- **Last Name:** DeGennaro
- **Street Address:** 2930 Shamrock St. South
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** defgennaro020@comcast.net
- **Comments:** As a Killearn Estates resident, I formally oppose the Urban Residential/R-4 zoning application, and absolutely object to Mr. Tuck's plans for our neighborhood. This development of multi family residences will drastically change the make up of Killearn Estates, impacting traffic, schools wastewater and property values. Please prayerfully consider your decision.

From: [Nick Maddox](#)
To: degennaro020@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: zoning - Urban Residential/R-4 in Killearn Estates
Date: Tuesday, December 06, 2016 10:22:22 AM

Ms. DeGennaro,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

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>>> <degennaro020@comcast.net> 12/5/2016 9:56 AM >>>
FROM:"Beverly DeGennaro <degennaro020@comcast.net>

As a resident of Killearn Estates, I formally oppose the Urban Residential/R-4 zoning application. This plan of Mr. Tuck's will drastically impact the property values, traffic, schools and "neighborhood" feel of Killearn Estates. This is inappropriate rezoning of property within our community and I implore you to prayerfully consider your decision.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Bryan Desloge](#)
To: degennaro020@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: zoning - Urban Residential/R-4 in Killearn Estates
Date: Tuesday, December 13, 2016 3:22:11 PM

Beverly, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you! Merry Christmas and Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <degennaro020@comcast.net> 12/5/2016 9:56 AM >>>
FROM:"Beverly DeGennaro" <degennaro020@comcast.net>

As a resident of Killearn Estates, I formally oppose the Urban Residential/R-4 zoning application. This plan of Mr. Tuck's will drastically impact the property values, traffic, schools and "neighborhood" feel of Killearn Estates. This is inappropriate rezoning of property within our community and I implore you to prayerfully consider your decision.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Bryan Desloge](#)
To: bevie4060@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Estates
Date: Saturday, November 19, 2016 1:53:58 PM

Beverly, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <bevie4060@comcast.net> 11/17/2016 2:49 PM >>>
FROM:"Beverly Locke-Ewald" <bevie4060@comcast.net>

PLEASE,PLEASE do not give permission to Mr. Tuck to rape our beautiful Killearn Estates.

This message sent from the Leon County Website: www.leoncountyfl.gov

TRANSMITTAL

FROM: Beverly Locke-Ewald

TRANSMITTAL: Attestations from 100+ property owners in
Killearn Estates, signed and with title
verification

DELIVER TO: City of Tallahassee
Planning Department
435 North Macomb Street
Floor 3
Tallahassee, FL 32301
**ATTN: Debra Thomas, Comprehensive Plan Amendment Cycle
2017, Amendment PCM201702**

SUBJECT: Response to request for input from Killearn
Estates property owners, each signed and attested
to as "true", "not applicable" or not "enough
knowledge"

Originals from 120 property owners; please also
give to elected officials and planning commission

RECEIPT

Received by:

By:

Print Name:

Date/Time:

Phone or email:

[Delivery person: Make sure you always get Receipt and return it
to office. Thank-you!]

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Nantucket Lane

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: *"No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course"*. If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to in Killearn that the golf course could or would be used for any other purpose other than as a golf course, the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Lauren S. Weingarden

Signature (please sign and date below): Lauren S. Weingarden

Dated: This 11 day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1770, page 567

Restriction - O.R. 747, page 276, 281

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). Saugrass Circle

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. N/A I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Georgia Stahl

Signature (please sign and date): Georgia Stahl

Dated: This 14 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3766, page 767
Restriction - O.R. 993, page 427, 432
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 4045 Kilmartin Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. MR Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. MR There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. N/A I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. MR When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. MR When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. MR The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. MR Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. MR When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. MR I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. MR I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Michael Rosenthal

Signature (please sign and date): Michael Rosenthal

Dated: This 14 day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 4466, page 1983
Restriction - O.R. 1284, page 1677, 1681

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 2057 O'BRIEN DR., TALLAHASSEE, FL.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. KJ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. KJ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. KJ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. KJ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. KJ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. KJ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. KJ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. KJ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. KJ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. KJ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) KENNETH J. PLANTE

Signature (please sign and date): Kenneth J. Plante

Dated: This 14th day of Nov 20 16

CHAIN OF TITLE VERIFICATION
Deed - O.R. 1625, page 2254
Restriction - O.R. 1520, page 2029

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 5004 Kenmare Court-

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Mary E. Gavalas

Signature (please sign and date): Mary Gavalas

Dated: This 14 day of NOVEMBER 20 14.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 941, page 2205
Restriction - O.R. 403, page 113/114
124

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 3009 Shamrock St. N., Tallahassee, FL

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Richard T Franklin

Signature (please sign and date): Richard T Franklin

Dated: This 14 day of November 20 16.

CHAIN OF TITLE VERIFICATION
Deed - O.R. 889, page 1395
Restriction - O.R. 347, page 351, 353, 360

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 4060 Kilmartin Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) BEVERLY LOCKIE-FEWALD

Signature (please sign and date): Beverly Locke-Fewald

Dated: This 14 day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 1440, page 1615
Restriction - O.R. 1284, page 1677, 1681

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 3042 Shamrock St N Tallahassee FL 32309

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Laurie A. Davis

Signature (please sign and date): Laurie A. Davis

Dated: This 14 day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 4642, page 43
Restriction - O.R. 403, page 124

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 4051 Kilmartin Dr

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Cliff Kuna

Signature (please sign and date): Cliff Kuna

Dated: This 14th day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 4888, page 1117
Restriction - O.R. 1284, page 1677,
1681

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). Bayshore Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Joan Kanaw

Signature (please sign and date): Joan Kanaw

Dated: This 14 day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 3189, page 1552
Restriction - O.R. 847, page 545

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 2945 Edenderry Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
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9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) John + Joan Hendry

Signature (please sign and date): Joan Hendry

Dated: This 14th day of November 20 16

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 1094, page 278
Restriction - O.R. 465, page 235, 230, 231

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 3861 BAYSHORE DRIVE

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. N/A I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) PATRICIA A. CURTIS

Signature (please sign and date): Patricia A. Curtis

Dated: This 14 day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 2058, page 163
Restriction - O.R. 847, page 545

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 3013 Grey Abbey Ct

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Alton L. Colvin, Jr.

Signature (please sign and date): Alton L. Colvin, Jr.

Dated: This 14th day of November 2016.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 4786 page 1618
Restriction - O.R. 1025, page 1288, 1293

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). _____

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) MAKILYN BLANDFORD

Signature (please sign and date): Makilyn Blandford

Dated: This 14 day of Nov 20 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2210, page 2361

Restriction - O.R. 1284, page 1677, 1681

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 5098 KILTEMAN DRIVE

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) JOSEPH B. BLANDFORD

Signature (please sign and date): J. B. Blandford

Dated: This 14th day of NOV 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2210, page 2361
Restriction - O.R. 1284, page 1677
1681

Subject: Survey concerning KILLEARN ESTATES (10 short questions)


I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). Shamrock St N

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Michelle Bachtel

Signature (please sign and date): 

Dated: This 14th day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 4266, page 516
Restriction - O.R. 403, page 113, 114, 124

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 3008 Greyabbey Ct.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. WF Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. WF There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. WF I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. WF When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. WF When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. WF The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. WF Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. WF When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. WF I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. WF I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly)

Wanda Fowl

Signature (please sign and date):

Wanda Fowl

Dated: This 15 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1914, page 1742

Restriction - O.R. 1525, page 1949, 1953

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 3009 Shamrock St. North

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Linda Franklin

Signature (please sign and date): Linda B. Franklin

Dated: This 16 day of November 2016.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 889, page 1395
Restriction - O.R. 347, page 357, 353
360

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 4064 Kilmartin Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. PG Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. PG There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. PG I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. PG When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. PG When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. PG The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. PG Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. PG When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. PG I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. PG I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) PATRICIA GUNN

Signature (please sign and date): Patricia Gunn

Dated: This 17 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4393, page 182

Restriction - O.R. 993, page 446, 448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 3065 O'Brien Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Stacie B. Smith

Signature (please sign and date): Stacie B. Smith

Dated: This 18 day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 2897, page 2217
4994, page 1527
Restriction - O.R. 932, page 1763, 1768
493, page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

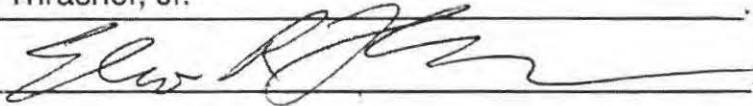
I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3021 O'Brien Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Elwin Thrasher, Jr.

Signature (please sign and date below): 

Dated: This 19 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1821, page 896

Recorded 993 446,448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Grey Abbey Court.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. W Killearn Estates is a large residential development generally located in an area North of I-10 between Thomasville Road and Centerville Road.
2. W There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. W I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. W When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. W When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. W The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. W Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. W When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. W I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. W I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print name: (please print legibly) KAREN LYN VOGTER

Signature (please sign and date below): Karen Lyn Vogter

Dated: This 19th day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4074, page 88

Restriction - 993, 446, 448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Ferns Glen Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. n/a When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. n/a The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. x Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. x When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. x I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Stephan von Molnar.

Signature (please sign and date below): .

Dated: This 19 day of November 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1708, page 1690

Restriction 233, 238 Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3045 CORBIN DR.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly)

Thomas Walker

Signature (please sign and date below):

[Signature]

Dated: This 19 day of November 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 505, page 484

Restriction - O.R. 297, page 45

Scanned by CamScanner

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 4424 BAYSHORE CIR.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. JS Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. JS There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. JS I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. JS When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. JS When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. JS The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. JS Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. JS When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. JS I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. JS I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JOSEPH P. THORN

Signature (please sign and date below): Joseph P. Thorn

Dated: This 19 day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3609 page 1901

Restriction - O.R. 847 page 545
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Whittington Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Jane D. Granger Meadows

Signature (please sign and date below): Jane D. Granger Meadows

Dated: This 19 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2657, page 2329

Restriction - 231788, page 2373
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Kilmartin Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ML Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ML There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ML I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ML When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ML When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ML The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ML Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ML When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ML I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ML I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Mark Lawson

Signature (please sign and date below): Mark Lawson

Dated: This 19 day of NOV 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2095, page 1686

Restrictions 993 446,448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) BAYSHORE DRIVE

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JOHN S. KENYON

Signature (please sign and date below): John S. Kenyon

Dated: This 19 day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4194, page 2246

Restriction - O.R. 847, page 545

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Beaumont Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. NA When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: *"No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course"*. If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Janice Cruce

Signature (please sign and date below): _____

Dated: This 19 day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1104 page 1654

Restriction - O.R. 550 page 719, 724

Subject: Survey concerning KILLEARN ESTATES (10 short questions)


I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Corrib Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. DB Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. DB There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. DB I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. DB When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. DB When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. DB The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. DB Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. DB When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. DB I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: *"No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course"*. If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. DB I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Daniel Bernath

Signature (please sign and date below): 

Dated: This 19 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4349, page 2239

Restriction - O.R. 297, page 45

11/20/16

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) (1) 1128 ARK LANE 74-79 (2) 4060 BRANDON HILL 74-1946

(3) 3081 SAWYER CIRCLE 1946 - PRESENT
Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. JS Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. JS There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. JS I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. JS When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. JS When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. JS The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. JS Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
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10. JS I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) J. BRIAN SWEEDY

Signature (please sign and date below): J. Brian Sweedy

Dated: This 20 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

 Deed - O.R. 1798, page 111
 Restriction - O.R. 993, page 427, 432

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 656, page 131Restriction - O.R. 451, page 295, 300

Page 505 of 1016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 894, page 610Restriction - O.R. 465, page 230, 235

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 2624 MAIN DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your Initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. NA I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciouness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Krista Rawkin

Signature (please sign and date below): Krista Rawkin

Dated: This 20th day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3688, page 2327

Restriction 0530 492497
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Dundalk Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Jerald Pollock

Signature (please sign and date below): Jerald Pollock

Dated: This 20 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1257, page 443

Restriction - O.R. 451, page 312, 317
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Fullingmire Ln

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of I-10 between Thomasville Road and Centerville Road.

2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.

3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.

4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.

5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.

6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.

7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.

8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.

9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site (residential parcel or building lot) which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.

10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) S. D. Porter-Field

Signature (please sign and date below): [Signature]

Dated: This 20 day of Nov 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2160, page 906

Restriction - O.R. 451, page 312, 317

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Colonnade Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) James H. & Camille D. Park

Signature (please sign and date below): Camille D. Park

Dated: This 20th day of November 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2411, page 812

Restriction - O.R. 1469, page 19

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 4126 ARKLOW DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. M Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. M There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. M I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. M When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. M When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. M The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. M Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. M When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. M I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. M I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JOHN S. MOOSHIE

Signature (please sign and date below): John S Mooshie

Dated: This 20 day of NOV 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 566, page 166

Restated 5451 295,300
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) OBRIEN DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. SW Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. SW There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. SW I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. SW When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. SW When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. SW The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. SW Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. SW When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. SW I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. SW I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Sharon Weeden

Signature (please sign and date below): [Signature]

Dated: This 20th day of November 20 16.

CHAIN OF TITLE VERIFICATION:
4606-1074
Deed - O.R. 2282 page 818
993 - 427, 432
Restriction - O.R. 993 page 446, 448

27

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 4063 Kilmartin Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Lynnette L. Garvin

Signature (please sign and date below): _____

Dated: This 20 day of Nov. 20 16

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 1920, page 1096
Restriction - O.R. 993, page 446, 448

27

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Kilmartin Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) James M. Garvin.

Signature (please sign and date below): _____.

Dated: This 20 day of Nov. 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1920, page 1096

Restriction - O.R. 993, page 446, 448

25

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) MCLAUGHLIN DR.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JAMES FRANCIS

Signature (please sign and date below): [Signature]

Dated: This 20th day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1420, page 1448
Restriction - O.R. 993, page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3870 Paddrick Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. NA There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) David E Fountain

Signature (please sign and date below):

Dated: This 20 day of November 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2121, page 354

Restriction - O.R. 993, page 427, 432

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Bayshore Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. TH Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. TH There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. TH I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. TH When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. TH When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. TH The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. TH Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. TH When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. TH I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. TH I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Thomas W. Hellmann

Signature (please sign and date below): [Signature]

Dated: This 20th day of November 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2533, page 1263

Restricted 847 545
Postdated 8:00 p.m. Feb 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) O'Brien Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. sc Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. sc There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. sc I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. sc When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. sc When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. sc The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. sc Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. sc When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. sc I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. sc I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Susan A. Crawford

Signature (please sign and date below): Susan A. Crawford

Dated: This 20 day of Nov. 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2271, page 636

Restriction 992, 446, 448
Posted 3:00 p.m. Feb 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) O'Brien Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. LC Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. LC There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. LC I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. LC When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. LC When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. LC The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. LC Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. LC When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. LC I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. LC I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) LAWRENCE D. CRAWFORD

Signature (please sign and date below): [Signature]

Dated: This 20 day of Nov. 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2271, page 636

Restriction - O.R. 993, page 446, 448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Sawgrass Circle.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Vivian Corgan

Signature (please sign and date below): Vivian Corgan

Dated: This 20th day of November 20 14.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2161, page 2042

Restriction - O.R. 993, page 427,432

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) SHAMROCK ST N.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) ROBERT P. CLICKNER Linda A. Clickner

Signature (please sign and date below): R.P. Clickner Linda Clickner

Dated: This 20 day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4304, page 1409

Restriction - O.R. 970, page 4169, 474
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Bay Shore Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Wilma S. Clark

Signature (please sign and date below): Wilma S. Clark

Dated: This 20 day of Nov. 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4593, page 1971

Restriction - O.R. 847, page 545
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) SHAMROCK ST EAST

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. CB Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. NA There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. CB I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. CB When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. CB When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. CB The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. CB Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. CB When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. CB I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. CB I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) CAROLE BUTLER

Signature (please sign and date below): Carole Butler

Dated: This 20 day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4063, page 1639
993 446,448
 Restriction - O.R. 1025, page 1288
 Posted 3:00 p.m. Feb 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 2841 O'Hara Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Hillman G. and Linda H. Brannon.

Signature (please sign and date below): Hillman G. and Linda H. Brannon *LHB & HGB*.

Dated: This 20th day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2874, page 53

Restriction - O.R. 1237, page 1079

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 2813 Bunderan Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Robert Barney Irene Barney

Signature (please sign and date below) Robert Barney Irene Barney

Dated: This 20 day of Nov 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 777, page 108

Restriction - O.R. 451, page 295, 300

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3452 Mahoney.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Robert, Irene Barney

Signature (please sign and date below): Irene Barney Robert Barney

Dated: This 20 day of Nov 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4349, page 2351

Restriction - O.R. 982, page 36, 41

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) White Iris Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. VLA Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. VLA There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. VLA I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. VLA When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. VLA When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. VLA The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. VLA Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. VLA When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. VLA I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. VLA I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Karen Lonergan Allinder

Signature (please sign and date below): Karen Lonergan-Allinder

Dated: This 20 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4496, page 644

Restriction - O.R. 993, page 427

35

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3009 Sawgrass Circle

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. CS Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. CS There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. CS I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. CS When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. CS When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. CS The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. CS Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. CS When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. CS I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. CS I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Curtis C. Stine

Signature (please sign and date below): Curtis C. Stine

Dated: This 21st day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3701, page 842

Restriction - O.R. 993, page 427.432

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Jonathan's Landing.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. N/A I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. N/A When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. N/A I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Rich Robb Lett

Signature (please sign and date below): Rich Robb Lett

Dated: This 21 day of Nov 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2287, page 369
Restriction - O.R. 745, page 491, 496

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2262, page 1717
Restriction - O.R. 913, page 427, 432

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 2682, page 114
Restriction - O.R. 403, page 113, 124

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) U-40, LOT C112 O'BRIEN DR.
+ Kilkierane Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item. TRUE

1. TRUE Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road. TRUE
2. TRUE There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments. TRUE
3. TRUE I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property. TRUE
4. TRUE When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club. TRUE
5. TRUE When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments. TRUE
6. TRUE The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short. TRUE
7. TRUE Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street. TRUE
8. TRUE When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses. TRUE
9. TRUE I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness. TRUE
10. TRUE I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) NIEL S & MARY H. ATKINSON & M. K. OWENS

Signature (please sign and date below): Niel S. Atkinson and Mary H. Owens

Dated: This 21 day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 944, page 1765
Restriction - O.R. 903, page 1542/1547

38

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Gardenview Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. _____ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Flo Nell Ozell

Signature (please sign and date below): Flo Nell Ozell

Dated: This 21st day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 3872, page 1289
Restriction - O.R. 1469, page 19

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3609 Killearn Plaza Ct.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JAMES PARK

Signature (please sign and date below): James H. Park

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3662 - 64, page 812

Restriction - O.R. 1469, page 19

40

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3086 O'BRIEN DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) MARY KAY OWENS

Signature (please sign and date below): Mary Kay Owens

Dated: This 21 day of NOV 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4869, page 1385

Restriction 4461448
Posted 3:00 p.m. Feb 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) O'Brien Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) David K. Miller

Signature (please sign and date below): David K. Miller

Dated: This 21st day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1597, page 1131

Restriction 993 446 448
Posted 9:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I OWN OR HAVE OWNED PROPERTY IN THE DEVELOPMENT COMMONLY KNOWN AS KILLEARN ESTATES ON (PLEASE ONLY insert street name location of the property) 4777 KENBROOK DRIVE

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish named" streets that included parks, lakes, church sites and open spaces; one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I AFFIRM AND ATTEST THAT I PERSONALLY MARKED THIS ATTACHED SURVEY, AND THE INFORMATION HEREIN ARE TRUE TO THE BEST OF MY KNOWLEDGE. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Alicia A. Whittington

Signature (please sign and date below): Alicia A. Whittington

Dated. This 21st day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2403, page 1137

Restriction - O.R. 993, page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) O'BRIEN DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. SAK Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. SAK There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. SAK I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. SAK When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. SAK When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. SAK The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. SAK Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. SAK When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. SAK I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. SAK I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) STEVEN GRIGAS

Signature (please sign and date below): [Signature]

Dated: This 21ST day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2054, page 1084

Restriction - O.R. 993, page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Louderry Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. MLF Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. MLF There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. MLF I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. MLF When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. MLF When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. MLF The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. MLF Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. MLF When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. MLF I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. MLF I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Martha Lee Fulcher

Signature (please sign and date below): Martha Lee Fulcher

Dated: This 21st day of November 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2534, page 2097

Restriction 297, 45
Posted 9:00 p.m. Feb. 27, 2017

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Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) KILMARTIN DR.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) TERRY FULCHER

Signature (please sign and date below): Terry Fulcher

Dated: This 21st day of NOVEMBER 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1450, page 76

Restriction - O.R. 993, page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) KILMARTIN DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) C. David Fulcher

Signature (please sign and date below): [Signature]

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1450, page 76

Restrictions: 993 446 448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3061 O'BRIEN DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) DAVID S. FERGUSON

Signature (please sign and date below): David S. Ferguson

Dated: This 21st day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1563, page 704

Restriction - O.R. 993, page 446, 448

877-808-6363

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3038 Bayshore Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Bennett E. Lippert II

Signature (please sign and date below): [Signature]

Dated: This 21st day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 4470, page 1566
Restriction - O.R. 847, page 545

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) KENMARE COURT.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. KE Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. KE There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. KE I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. KE When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. KE When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. KE The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. KE Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. KE When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. KE I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. KE I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) KRISTIN EARLY

Signature (please sign and date below): Kristin Early

Dated: This 21 day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4291, page 1341

Restriction - O.R. 403, page 13/24

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Kernmore Court.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. 494 Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. 494 There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. 494 I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. 494 When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. 494 When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. 494 The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. 494 Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. 494 When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. 494 I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. 494 I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) EDWARD GARY EARLY

Signature (please sign and date below): [Signature]

Dated: This 21st day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4291, page 1341

Restriction - O.R. 403, page 113/24
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) OBRVEN DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments. *THE ONLY REASON I BOUGHT IN KILLEARN WAS TO LIVE ON THE GOLF COURSE.*
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☐ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course. *NO SUCH DISCLOSURE WAS EVER MADE TO ME OR TO ANYONE ELSE I KNOW.*

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) CLAIRE A. DUCHENIN

Signature (please sign and date below) Claire A. Duchemin

Dated: This 21ST day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1924, page 2080
2623, page 99
Restriction - O.R. 403, page 113
993, 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3602 Denegal Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. N/A There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Jim Kallinger

Signature (please sign and date below): [Signature]

Dated: This 21 day of November 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4533 page 221

Restriction - 2112 page 383394

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3602 Waverly Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. N/A There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Dana E. Kallinger

Signature (please sign and date below): Dana E. Kallinger

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4533, page 221

Restriction - O.R. 242, page 383, 394

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) SHIMMICK ST. EAST

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. N/A There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) AVA O'HALLAHAN

Signature (please sign and date below): AVA O'HALLAHAN

Dated: This 21 day of NOVEMBER 20 16

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 3561, page 166
Restriction - O.R. 970, page 469,474

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) White Ibis Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Kathleen Herzog

Signature (please sign and date below): Kathleen Herzog

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 967, page 2053

Restriction - O.R. 903, 1542, 1547

Kilkierane Dr

Page 547 of 1016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1826, page 738

Restriction - O.R. 993, 427, 432

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3021, page 2303

Restriction - O.R. 993, 427, 432

8

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Fermanagh Pirche.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. BNB Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. BNB There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. BNB I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. BNB When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. BNB When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. BNB The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. BNB Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. BNB When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. BNB I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. BNB I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Clifford R. Cummings Jr.

Signature (please sign and date below): Clifford R. Cummings Jr.

Dated: This 21 day of November 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1589, page 109

Restriction - O.R. 387, page 10, 15

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3054 FERMANAGH DRIVE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. JK Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. JK There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. JK I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. JK When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. JK When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. JK The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. JK Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. JK When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. JK I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. JK I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) CARY CRAIG

Signature (please sign and date below): [Signature]

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3329, page 430

Restriction - O.R. 387, page 10, 15

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Glin Circle.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Jennifer Cox

Signature (please sign and date below): Jennifer Cox

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4598, page 2104

Restriction - O.R. 347, page 351, 360

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3706 Olin Circle.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Kevin Cox

Signature (please sign and date below): K Cox

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4598 page 2104

Restriction - O.R. 347 page 351,360

28

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Nantucket Lane.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Carolyn L. Casto

Signature (please sign and date below): Carolyn L. Casto

Dated: This 21st day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4230, page 1643

Restriction - O.R. 747, page 276, 281

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Welwyn Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Traci K. Campbell

Signature (please sign and date below): Traci K. Campbell

Dated: This 21 day of November 20 16.

CHAIN OF TITLE VERIFICATION:
Deed - O.R. 2505, page 1922
Restriction - O.R. 1571, page 2086

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Colonnade Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club ^X had hosted some professional (PGA and LPGA) golf tournaments.
6. N/A The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. N/A Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Katherine Blyth

Signature (please sign and date below): 

Dated: This 21 day of November, 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1508, page 1500

Restriction - O.R. 1469, page 19

8

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) FERMANASH DRIVE

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. EB Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. EB There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. EB I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. EB When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. EB When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. EB The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. EB Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. EB When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. EB I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. EB I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) EVELYN BABEC

Signature (please sign and date below): Evelyn Babec

Dated: This 21st day of NOVEMBER 20 16

CHAIN OF TITLE VERIFICATION
Deed - O.R. 478, page 43
895, page 1575
Restriction - O.R. 387, page 10, 15

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 2835 DRIVE (KILKIERANE) 4-19-26AD

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. MA Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road. TRUE

2. MA There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments. SINGLE RESIDENCE TRUE

3. MA I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property. TRUE

4. MA When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club. TRUE

5. MA When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments. TRUE

6. MA The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short. TRUE

7. MA Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.

8. MA When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses. TRUE

9. MA I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness. TRUE

10. MA I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course. TRUE

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) NIEL S. & MARY H. ATKINSON

Signature (please sign and date below): [Signature]

Dated: This 21 day of NOVEMBER 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 944, page 1765

Restriction - O.R. 903, page 1542

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 4921 Ballygar Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. x Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. x There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. x I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. x When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. x When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. x The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. x Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. x When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. x I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. x I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Rosemary Arline

Signature (please sign and date below): _____

Dated: This 21st day of November 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1705, page 1980

Restriction - O.R. 451, page 312

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Dungarvin + Tellow Pt.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☐ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Terri Anderson

Signature (please sign and date below): Terri Anderson

Dated: This 21 day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1478, page 1615

Restriction - O.R. 493, page 233, 238

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) O'Brien Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Lisa Storm

Signature (please sign and date below): Lisa Storm

Dated: This 22 day of November 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1801, page 588

Restriction - O.R. 993, page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3074 White Oak Way

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Elizabeth A. Schilson

Signature (please sign and date below): Elizabeth A. Schilson

Dated: This 22 day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3917, page 423

Registered 992 427.432
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 4055 KILMARTIN Dr. / 2673 NANTUCKET Ln.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Rebecca H Bayburt

Signature (please sign and date below): Rebecca H Bayburt

Dated: This 22 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1451, page 2101
Restriction - O.R. 993, page 446, 448

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1169, page 732
Restriction - O.R. 747, page 276, 281
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 4055 KILMARTIN DR. / 2673 NANTUCKET LN.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. JDR Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. JDR There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. JDR I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. JDR When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. JDR When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. JDR The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. JDR Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. JDR When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. JDR I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. JDR I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) J. D. RAYBURN, II

Signature (please sign and date below): JDR

Dated: This 22 day of NOVEMBER 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1454, page 2101

Restriction - O.R. 993, page 446, 448

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1169, page 732

Restriction - O.R. 747, 276, 281

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) White Horse Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Ruth H. Robbins

Signature (please sign and date below): Ruth H. Robbins

Dated: This 22nd day of Nov. 20 16.

CHAIN OF TITLE VERIFICATION:

1938 - 1075
Deed - O.R. 3965, page 1593
993 437,432
Restriction 993
Posted 3:00 p.m. Feb. 27, 2017

40

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) O'Brien Drive Lot 110250 CNO270

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) John A Owens

Signature (please sign and date below): [Signature]

Dated: This 22 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4584 page 1765

Restriction - O.R. 993 page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Lifford Circle.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JAMES R. DAUGATON, JR.

Signature (please sign and date below): [Signature]

Dated: This 22 day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1696, page 37

Restriction - O.R. 403, page 130, 135
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3061 Sawgrass Circle.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) SUSAN HEED.

Signature (please sign and date below): Susan Heed.

Dated: This 22nd day of November 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4507, page 672

Restriction - O.R. 993, page 427, 432
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3061 SAWGRASS Circle.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Charles E. Head

Signature (please sign and date below): Charles E. Head

Dated: This 22nd day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4507, page 672

Restriction - O.R. 993, 427.432
Posted 3:00 p.m. Feb. 27, 2017

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) E. Shannon Lakes Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) James Hamilton

Signature (please sign and date below) James Hamilton

Dated: This 22 day of Nov 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4640, page 1238

Restriction - O.R. 493, page 233, 238

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3021 Sawgrass Circle.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Donna S. Barclay

Signature (please sign and date below): Donna S. Barclay

Dated: This 22 day of November 20 14

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2557, page 1636

Restriction - O.R. 993, page 42743
Posted 8:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3021 JAWGRISS CIRCLE.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JAMES M. BARCLAY

Signature (please sign and date below): James Barclay

Dated: This 22 day of Nov 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2557, page 1636

Restriction - O.R. 993, page 427,432

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3476 Welwyn Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Bruce R Locke

Signature (please sign and date below): Bruce R Locke

Dated: This 23 day of November 20 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2673, page 470

Restriction - O.R. 1571, page 2086
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3137 Obizian Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Ronald S Williams

Signature (please sign and date below): Ronald S Williams

Dated: This 23rd day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1755, page 2028

Restriction - O.R. 993, page 446, 448

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Ayan Place

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Matthew Breeding

Signature (please sign and date below): Matthew Breeding

Dated: This 23 day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 3579, page 1437

Restriction - O.R. 748, page 528, 533

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Roscrea
Drive

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. x Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. x There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. x I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. x When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. x When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. x The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. x Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. x When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. x I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. x I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Raquel
Cisneros

Signature (please sign and date below): Raquel Cisneros
(rcc)

Dated: This 27 day of November 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4357, page 898

Restriction - O.R. 451, page 312, 314

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) ~~1000~~ Ohara Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. AVA Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. AVA There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. AVA I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. AVA When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. AVA When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. AVA The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. AVA Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. AVA When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. AVA I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. AVA I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Allison V. Ager

Signature (please sign and date below): Allison V. Ager A.V.A.

Dated: This 28 day of November 20 17.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4109, page 499

Restriction - O.R. 1337, page 1079

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Gardenvue Way.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Jeanmarie P. Morton.

Signature (please sign and date below): Jeanmarie P. Morton.

Dated: This NOV day of 28 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1755, page 1303

Restriction - O.R. 1469, page 19

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Fernmanagh Drive.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
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5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
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8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
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10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) LINDA MASHBURN

Signature (please sign and date below): Linda Mashburn

Dated: This 28 day of November 20 14.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 370, page 1195
Restriction - O.R. 387, page 1015

16 yr Homeowner adamantly opposed to proposed "development" which constitutes destruction of all existing property values!

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Heather Hill Lane

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
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9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Jenny H Crowley

Signature (please sign and date below): Jenny H Crowley

Dated: This 28 day of November 2016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1290, page 1017

Restriction - O.R. 463, page 233, 238

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) Tallow Point Road

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "*No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course*". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Helen Drake Haines

Signature (please sign and date below): Helen D. Haines

Dated: This 29th day of November 20 16

CHAIN OF TITLE VERIFICATION:

Used - O.R. 4391, page 113

Restriction - O.R. 493, 233, 238
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). Brandon Hill Drive and Sawgrass Circle

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. JS Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. JS There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. JS I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. JS When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. JS When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. JS The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. JS Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. JS When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. JS I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. JS I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly)

J. Lawrence Johnston

Signature (please sign and date):

J. Lawrence Johnston

Dated: This 30th day of November 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1264, page 1875

Restriction - O.R. 465, page 230, 235

Page 580 of 1016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4690, page 1593

Restriction - O.R. 993, page 427, 432

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 4056 Kilmartin Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) William Curry

Signature (please sign and date below): William Curry

Dated: This 1st day of Dec. 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2092 page 750

Restriction - O.R. 993 446, 448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates (please insert street name location of the property). 4051 Brandon Hill (1986-2014) & 3062 Saugus

Circle (2014-present)
Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not enough knowledge" of this item.

1. WJ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. WJ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is/was located in one of those subdivisions or developments.
3. WJ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes call the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. WJ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. WJ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. WJ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. WJ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course.
8. WJ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. WJ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. WJ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge.

Name: (please print your name legibly) Irene R. Johnston

Signature (please sign and date): Irene R. Johnston

Dated: This 5th day of December 20 16.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 1264, page 1875

Restriction - O.R. 465, page 230, 235

Page 582 of 1016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4690, page 1593

Restriction - O.R. 993, page 427, 432
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) KILMARTIN Dr.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. X Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. X There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. X I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. X When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. X When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. X The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. X Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. X When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. X I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. X I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) JAMES STOCKWELL

Signature (please sign and date below): [Signature]

Dated: This 5 day of DECEMBER 202016

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 2157, page 1563

Restriction - O.R. 993, page 446, 448

Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3864 Monarchy Court.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly) Stephanie L. Gehre

Signature (please sign and date below): Steph L Gehre

Dated: This 6 day of December 2016.

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4567, page 380

Restriction - O.R. 993, 446.448
Posted 3:00 p.m. Feb. 27, 2017

Subject: Survey concerning KILLEARN ESTATES (10 short questions)

I own or have owned property in the development commonly known as Killearn Estates on (please only insert street name location of the property) 3864 Moriarity Ct.

Instructions: Please mark on each item that is true with an "X" or "your initials". Mark all other items as not applicable with "N/A" meaning "not applicable" or "not enough knowledge" of this item.

1. ☒ Killearn Estates is a large residential development generally located in an area North of 1-10 between Thomasville Road and Centerville Road.
2. ☒ There are several subdivisions and townhouse developments that make up Killearn Estates, the property I own or owned is in one of those subdivisions or developments.
3. ☒ I understand there are a multitude of documents recorded in offices of the Leon County Clerk (sometimes called the land records or Official Records) concerning Killearn Estates, and I can say that one of those was the deed that was recorded when I bought my property.
4. ☒ When I bought my property in Killearn Estates, I understood this development had a common theme with "Irish-named" streets that included parks, lakes, church sites and open spaces, one of which was a country club with a golf course called Killearn Country Club.
5. ☒ When I bought my property in Killearn Estates I was aware that then or in the past the Killearn Country Club had hosted some professional (PGA and LPGA) golf tournaments.
6. ☒ The Killearn Estates development was built around a country club and golf course; in the middle of this overall community many people just call "Killearn" for short.
7. ☒ Not every lot in Killearn Estates abuts the golf course, but as you drive around Killearn you can see "windows" or open spaces or areas that show or allow you glimpses of the golf course from the street.
8. ☒ When I bought my property I did not expect or envision that the golf course could or would someday be instead converted to residential, commercial or other development or uses.
9. ☒ I am not surprised to learn that just about every lot or site abutting the golf course was subjected by the developer to a restriction recorded at the offices of the Leon County Clerk that says: "No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site [residential parcel or building lot] which has a rear property line adjacent to the Golf Course". If you look down the golf course it is fairly obvious that such a set-back created a beneficial and uniform feel of spaciousness.
10. ☒ I do not recall, nor am I aware of, any disclosure to me when I purchased my property in Killearn that the golf course could or would be used for any other purpose other than as a golf course.

I affirm and attest that I personally marked this attested survey, and the facts stated herein are true to the best of my knowledge. A facsimile copy of this and my signature should be considered as an original.

Print Name: (please print legibly)

Steven Blake Gehres

Signature (please sign and date below):

[Signature]

Dated: This 7 day of December 20 16

CHAIN OF TITLE VERIFICATION:

Deed - O.R. 4567, page 380

Restriction - O.R. 993, page 446, 448

Posted 3:00 p.m. Feb. 27, 2017

From: [Nick Maddox](#)
To: bevie4060@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates
Date: Tuesday, December 06, 2016 10:39:34 AM

Ms. Locke-Ewald,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

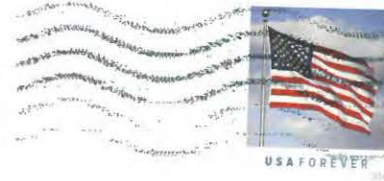
>>> <bevie4060@comcast.net> 11/17/2016 2:49 PM >>>
FROM:"Beverly Locke-Ewald <bevie4060@comcast.net>

PLEASE,PLEASE do not give permission to Mr. Tuck to rape our beautiful Killearn Estates.

This message sent from the Leon County Website: www.leoncountyfl.gov



TALLAHASSEE FL 32309



Tallahassee-Leon County planning Dept
attn: Comprehensive Planning Division
300 South Adams St.
Tallahassee, FL 32301

Amendment # PCM201702

I/We as owner(s) of property at this address: William & Catherine Addington wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Please pass what Mr. Luck would like to do at Killbuck Country Club, all the old buildings need to be torn down and rebuilt.

SIGNED:

William and Catherine Addington
2913 Edenderry Dr.
Killbuck member since it opened in the 60's.

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:07 PM
To: jhendry101@aol.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates golf course home

Bill, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <bill.garvin@gmail.com> 11/17/2016 11:20 AM >>>
FROM:"William Garvin <bill.garvin@gmail.com>

We want to express our opposition to the zoning change requested by Barton Tuck. We oppose this because we fear a change in the character of this neighborhood and because of the increase in traffic that will result with the construction of multi family dwellings. Our home values are already impacted by the closing of the golf course and this will further impact them. Mr. Tuck has stated that the proceeds from the sale of the property will be used to improve the Killearn Country Club facilities. Given Mr. Tuck's history I doubt that he will indeed improve anything. My wife and I reside at 4042 Sawgrass Circle in the Greens of Killearn.

William and Suzanne Garvin

This message sent from the Leon County Website:

From: [Singleton, Lauren](#)
To: [Bryant, Cherie \(Planning\)](#); [Wilcox, Barry](#); [Calhoun, Sherri](#)
Subject: FW: Bill Davis RE: Rezoning Request
Date: Thursday, January 19, 2017 9:53:16 AM

Please see below.

Lauren Singleton
Senior Executive Assistant
City of Tallahassee
300 S. Adams Street
Tallahassee, FL 32301
850.891.8328

From: Whitaker, Angie **On Behalf Of** Gillum, Andrew
Sent: Thursday, January 19, 2017 9:52 AM
To: Bill Davis
Cc: Tedder, Wayne; Singleton, Lauren; Van Pelt, Jamerson
Subject: Bill Davis RE: Rezoning Request

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Bill Davis [<mailto:bill.tallahassee@gmail.com>]
Sent: Wednesday, January 18, 2017 2:11 PM
To: Gillum, Andrew; Richardson, Curtis; Ziffer, Gil; Miller, Nancy; Maddox, Scott
Subject: Rezoning Request

Dear County Commissioners,

I would like to add my voice to those in favor of the rezoning of the Killearn Country Club properties as outlined by its' owner Mr. Tuck. I truly believe it will be best for all the residence of Killearn Estates in the long run.

Bill Davis

3439 Jonathan Landing

850-893-4100

From: [Bryan Desloge](#)
To: [Bill Davis](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club Rezoning request
Date: Wednesday, January 18, 2017 4:06:10 PM

Bill, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Bill Davis" <bill.tallahassee@gmail.com> 1/17/2017 10:32 PM >>>
Dear County Commissioners,

I would like to add my voice to those in favor of the rezoning of the Killearn Country Club properties as outlined by its' owner Mr. Tuck. I truly believe it will be best for all the residence of Killearn Estates in the long run.

Bill Davis
3439 Jonathan Landing
850-893-4100

From: [Nick Maddox](#)
To: [Bill Davis](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club Rezoning request
Date: Thursday, January 19, 2017 12:49:18 PM

Mr. Davis,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

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>>> "Bill Davis" <bill.tallahassee@gmail.com> 1/17/2017 10:32 PM >>>
Dear County Commissioners,

I would like to add my voice to those in favor of the rezoning of the Killearn Country Club properties as outlined by its' owner Mr. Tuck. I truly believe it will be best for all the residence of Killearn Estates in the long run.

Bill Davis
3439 Jonathan Landing
850-893-4100

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:52 AM

From: host029@yahoo.com [mailto:host029@yahoo.com]
Sent: Monday, February 13, 2017 11:15 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 Killearn CC Applicant: Barton M. Tuck, Jr
Name: Bruce J. Host
Street Address: 3605 Donegal Drive
City: Tallahassee
State: FL
Zip: 32309
Email Address: host029@yahoo.com

Comments: Since I retired from the Air Force in 1981, my wife Sandra and I have lived in Killearn Estates and belonged to the Killearn Country Club - for over 35 years. I served over 10 years as a member and President of the Killearn Homes Association and know first hand the value and impact of both new development and the Killearn Country Club to our Killearn community. Barton Tuck, the owner of the country club, has laid out a viable plan for not only revitalizing the Killearn community with new housing for residents who will hopefully become new club members, but also for using the proceeds from that development for building much needed new country club facilities. We members of the club have voted unanimously for this plan and we ask for your support and vote for bringing this much needed project to a successful conclusion. Thank you. Bruce Host

From: [Calhoun, Sherri](#)
To: [Calhoun, Sherri](#)
Subject: FW: December 2016 Bryan's Brief
Date: Monday, December 12, 2016 3:02:14 PM
Attachments: [image001.png](#)

Sherri Calhoun
Staff Assistant
Comprehensive Planning & Urban Design
300 S. Adams Street. Tallahassee, Florida
Ph#: (850) 891-6413
Fax: (850) 891-6404
Sherri.calhoun@talgov.com
<http://www.talgov.com/planning/PlanningHome.aspx>



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From: Bryan Desloge [mailto:DeslogeB@leoncountyfl.gov]
Sent: Monday, December 12, 2016 2:12 PM
To: Bill Stimmel
Cc: Bryant, Cherie (Planning); Thomas, Debra; Calhoun, Sherri
Subject: Re: December 2016 Bryan's Brief

Bill, thanks for the feedback. I understand your concerns, but I have not yet seen what is being proposed. Please understand too - I am one of 12 votes as this will come before the City and County for the new cycle of comp plan amendments. Additionally, this project is under the City's jurisdiction. I hope that you are contacting everyone, especially the City Commission. Just want you to know that I will take your comments into consideration in my deliberations, but you should understand that I'm also receiving requests that it be approved, or altered or as you indicate - denied. There's not just one side to this issue and I'm waiting to see what's in the comp plan agenda item. Make sure you are sharing your concerns with the Planning Department. I'm forwarding your email to them so that they have them as a part of the public record. Hope all's well with you and hope you enjoyed Thanksgiving! Happy Holidays!

Bryan Desloge
Leon County Commission
District IV Commissioner

301 S. Monroe St.
Tallahassee, FL 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Bill Stimmel <stimmel04@earthlink.net> 12/12/2016 10:48 AM >>>

Dear Commissioner

Many of us on Obrien are opposed to the proposed zoning changes on the golf course. Make no mistake this proposed change will hurt us.

Thank you for representing us.

Bill Stimmel

Sent from my iPhone

From: [Bryan Desloge](#)
To: [Phil Laporte](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killlearn Country Club
Date: Tuesday, January 17, 2017 12:21:26 PM

Phil, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests to deny the project, some to alter, as well as those like yours who are in favor of the project. I thank you for the specific reasons you provided for your request for the approval of the project. I understand the situation and assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you and yours!
Let me know if I may be of help with other concerns.

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, FL 32301
850-606-5364
deslogeb@leoncountyfl.gov
>>> Phil Laporte <fsulaporte@icloud.com> 1/16/2017 6:45 PM >>>

Hi Bryan,
I haven't seen you for awhile. Hope you and your family are doing well.
I wanted to weigh-in on the Killlearn country Club controversy.
I have been an avid golfer for many years and a member at KCC since moving here 15 years ago.
I've seen the boom and the bust of the golf industry and view the "Tuck" plan as necessary for KCC to survive.
His plan to close the "North" and improve the original 18 is badly needed. Rebuilding the facilities and improving the amenities would breathe new life into our community as a whole.
Please support Mr. Tuck's plan.
Thanks,
Phil LaPorte
3132 Ansley Park Dr.
Tallahassee, FL 32309

Sent from my iPad

From: [Bryan Desloge](#)
To: [Tawee Calley](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: KILLEARN COUNTRY CLUB
Date: Thursday, February 02, 2017 11:51:12 AM

Tawee, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Tawee Calley <tawee3347@gmail.com> 2/1/2017 8:06 PM >>>

I live in Pebble Creek, Killearn, and of course I am concerned about the north course. Your support of a high density construction similar to what we have on Edenderry and Shamrock would be unacceptable. I will be at the meeting on Feb 07 and if the commissioners are present, I would hope your support of the Killearn residents not the owner of the north course, will be evident

Calhoun, Sherri

From: burtcarol@centurylink.net
Sent: Wednesday, November 16, 2016 9:26 PM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Meetings to discuss re-zoning of Killearn Country Club

FROM: burtcarol@centurylink.net

DATE: 11/16/2016 09:26:26 PM

SUBJECT: Meetings to discuss re-zoning of Killearn Country Club

We are residents of the former North Course at Killearn Country Club and wanted to send our comments about this subject. We feel that the owner has a good plan and want him to receive approval for his plan. We need new facilities to accompany our very good golf course which would keep Killearn a "golf course" community. Please approve his request for the rezoning.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3000 Sawgrass Circle wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

We think the Killearn C.C. plan is an excellent one and we'd like to see it approved
and completed ASAP. A first class country club and upgraded golf course would positively
benefit our community.

SIGNED:

Burton F. Mead
Carol J. Mead

11/7/16



Mr. & Mrs. Burton F. Mead
3000 Sawgrass Cir
Tallahassee, FL 32309-2886

TALLAHASSEE FL 323

07 NOV 2016 PM 3 L

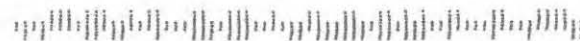


Tallahassee - Leon County Planning Dept.
Attn: Comprehensive Planning Div.
300 South Adams Street
Tallahassee, FL
32301

Flon



3230131731



From: carolebutler@live.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Saturday, December 03, 2016 3:32:17 PM

- **Amendment:** PCM201701 Map
- **First Name:** Carole B
- **Last Name:** Butler
- **Street Address:** 3214 Shamrock Sr east
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** carolebutler@live.com
- **Comments:** Dear sir, I have been a resident of Killarn Estates for 26 years and have watched the facilities at the golf course deteriorate over the years.

From: carolebutler@live.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Saturday, December 03, 2016 3:47:51 PM

- **Amendment:** PCM201701 Map
- **First Name:** Carole
- **Last Name:** Butler
- **Street Address:** 3214 Shamrock Sr east
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** carolebutler@live.com
- **Comments:** Dear Sir, Apparently the Board of Directors of Killarn Estates signed a mediation agreement with Mr Tuck with Palmetto Properties without consulting with the homeowners. There is something very strange going on behind the scenes that the homeowners are not aware of. The name of Robert Parrish has been mentioned as the developer who is interested in buying the gold course and building 350 homes on the north course. How can this happen without an environmental study to determine the traffic and rainwater run off. There is something not quite right with this agreement. I appreciate you investigating this matter further. Sincerely, Carole Butler

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 3:10:43 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: webmaster@talgov.com [mailto:webmaster@talgov.com]
Sent: Tuesday, February 14, 2017 3:10 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Estates

Name: Carole Butler

Street Address: 32 14 Shamrock Street East

City: Tallahassee

State: FL

Zip: 32309

Email Address: carolebutler@live.com.

Comments: As a resident and voter of Leon County for the past 26 years living in Killearn Estates, I am strongly opposed to the development of the north golf course. I believe the environmental impact, traffic, flooding and damage to the neighborhood far out way Mr. Tucks personal problems of not taking care of his property. He will have sold out and left the state long before the damage is done. We pay a lot of taxes and we VOTE! Thank you,
Carole Butler

From: [Nick Maddox](#)
To: Carolebutler@live.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killarn Go.f Glub
Date: Tuesday, December 06, 2016 10:18:01 AM

Ms. Butler,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <Carolebutler@live.com> 12/4/2016 4:23 PM >>>
FROM:"Carole Butler <Carolebutler@live.com >

Dear Commissioner,

I am totally opposed to the development of the north golf course into 350 housing units. How can this be approved by board members of the Killarn Home Owners association without the homeowners approval? Where are the traffic and the environmental impact studies?

This whole scenario has been a fiasco. There is more things going on behind the scenes between Mr Tuck and the developer Robert Parrish that needs to be investigated before this plan goes forward.

Thank you for your attention to this matter.

Carole Butler

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: carolebutler@live.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club & Golfcourse
Date: Tuesday, December 06, 2016 10:42:44 AM

Ms. Butler,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <carolebutler@live.com> 11/20/2016 4:34 PM >>>
FROM:"Carole Butler <carolebutler@live.com>

Dear Commissioner,

I am shocked and dismayed about Mr. Tucks plans to sell the golf course to developers to build up to 350 houses, town homes and apartments on the golf course. I have owned my home on Shamrock Street East for 26 years and have watched the golf club, restaurant and hotel deteriorate over the years. I am an interior designer and have spoken to managers over the years about updating the club with no response. I have since found out that Mr. Tuck has been collecting \$60,000.00 dollars from the management company in California each month and none of that money has gone to repairs on the property. I have since heard the name Robert Parrish mentioned as the developer who is interested in developing the property. It seems like a lot of things have been going on behind the scenes that the homeowners are not aware of and the development seems like a done deal. What environmental studies have been done regarding runoff, traffic studies and other impact studies for the development?

I lived in Clearwater for 10 years before moving to Tallahassee and I saw firsthand how developers can destroy a community.

Thank you for your concern and I look forward to your response.

Sincerely,

Carole Butler
carolebutler@live.com

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Bryan Desloge](#)
To: [Charles Latour](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn CC
Date: Thursday, January 19, 2017 10:07:42 AM

Charles, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Latour, Charles" <clatour@cob.fsu.edu> 1/19/2017 9:51 AM >>>

Mr. Desloge, please look at the big picture. The redevelopment of Killearn C C, will improve the value to all residents.

Chas LaTour

From: [Nick Maddox](#)
To: [Charles LaTour](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: killearn CC
Date: Thursday, January 19, 2017 1:00:35 PM

Mr. LaTour,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> "Latour, Charles" <clatour@cob.fsu.edu> 1/19/2017 10:00 AM >>>

Mr. Maddox, please look at the big picture. The redevelopment of Killearn CC, will improve the value of all Killearn residents.

Chas LaTour

From: [Brenda Tanner](#)
To: [Thomas, Debra](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn CC
Date: Friday, January 20, 2017 7:06:48 AM
Importance: High

Debra, any idea when this will come to the Commissions, specifically the County. I'm just praying it won't the .will be out of town and he's trying to respond to any and all who write him. It would be terrible if he were not able to be at the meeting to weigh in. Appreciate your help and my apologies for overloading all of you with copies of each of his responses on each of them. It does seem to make them feel better to know that he's not only responding but making sure others are also aware of their recommendations. Appreciate your help and my apologies for overloading all of you with copies of each of his responses on each of them. Miss you, Lady!! The Planning Department is luck to have you.

Brenda Tanner

Aide to Leon County Commissioner
Bryan Desloge
District IV
Leon County Courthouse
301 S. Monroe St
Tallahassee, Fl. 32301
850-606-5374

>>> Bryan Desloge 1/19/2017 10:07 AM >>>

Charles, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Latour, Charles" <clatour@cob.fsu.edu> 1/19/2017 9:51 AM >>>

Mr. Desloge, please look at the big picture. The redevelopment of Killearn C C, will improve the value to all residents.

Chas LaTour

Calhoun, Sherri

From: Thomas, Debra
Sent: Wednesday, November 16, 2016 12:35 PM
To: Calhoun, Sherri
Subject: FW: Customer Call

Sherri, Please include this in the citizen comment section for the Killearn Map Amendment.

From: Harbin, Laurel
Sent: Wednesday, November 16, 2016 12:12 PM
To: Thomas, Debra <Debra.Thomas@talgov.com>
Subject: Customer Call

We just received a call from Mr. Claude Lister, 3086 Sawgrass Circle, who wanted to express his opposition to the Comp Plan amendment that would allow multi-family development at the end of his street. He may not be able to come to the meeting on 11/17, and wanted to make sure his opposition was made part of the record. He also left his phone number: 850-893-4724.

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn Estates Zoning
Date: Friday, November 18, 2016 4:50:22 PM

Please add to Killearn comment file.

From: Clifford Jordan [mailto:jordanappraisal@embarqmail.com]
Sent: Friday, November 18, 2016 4:26 PM
To: Thomas, Debra <Debra.Thomas@talgov.com>
Subject: Killearn Estates Zoning

Debra,

First, I want to thank you and the other staff members for the time you all spent last night at the meeting listening to all the concerns and complaints about the proposed zoning changes in Killearn. As a residence of Killearn and a residential real estate appraiser, I appreciate the work all of you do.

My impression of the meeting last night was there were a lot of concerns expressed that projected worst case scenarios should the zoning be approved. I don't think the people expressing their concerns were looking at the big picture, but more of the immediate impact the changes might have on their individual properties. I don't think all of the concerns expressed were warranted.

The Killearn Country Club has been the anchor in the subdivision for many years and the facilities need revitalization-more like new facilities than remodeling. That is what the owner is proposing. A walk around the buildings shows a deterioration that needs to be fixed. What the owner has proposed to the club members are new facilities financed with the sale of part of the golf course. Hence, the rezoning is key to making this happen. In my opinion new facilities would be a boost to the subdivision that would benefit all who live in Killearn whether members of the club or not.

Golf courses were over developed in the '90's and the number of people playing golf has changed. Killearn is now a 27 hole golf course when in reality 18 holes would be adequate to accommodate the demand. Why shouldn't the owner be allowed to proceed with the sale of the land to make more productive use of it? With the limited amount of land available to develop in the northeast, this area would be a prime area to develop and would certainly be one that could provide new opportunities for families to locate closer in at the same time enhancing the subdivision.

Most of the concerns expressed last night seemed to be over rezoning of site E that would be change to RP-2 allowing for a maximum of 10 units per acre of single, two family and multi-family residential. If this was developed at the maximum density allowed you would have approximately 350 new residences. If each residence had an average of three family members you would be adding 1,050 people to the population in Killearn. When you consider the overall size of Killearn and the number of people who live there now, this doesn't seem like a big deal to me. Yes, it would add some traffic to the subdivision, but I believe this could be accommodated with adequate planning. If you look at Southwood, it continues to be developed and I have not noticed traffic being a problem

within that subdivision.

In my opinion the people at the meeting last night were only looking at how the changes might impact their homes rather than considering how the overall subdivision and northeast Tallahassee could benefit from the development of the land areas. Most were expressing concerns about how the zoning changes would have a negative effect on their property values. As a residential real estate appraiser, I think it would be very difficult to say exactly how the changes would impact value on individual sites. We really don't know until the development is completed. It could enhance property values! One thing for sure it would provide new housing in an area of high demand.

I strongly encourage the approval of the zoning request since in my opinion it would be a benefit to the majority of the people who live in Killearn, families that want to live in the northeast and the city of Tallahassee.

Cliff
Clifford Brice Jordan
Cert Res #RD4070
Jordan Appraisal, LLC
3028 Ironwood Dr
Tallahassee, FL 32309
O)850-878-5922; F)888-805-5914
C)850-508-5025

Comments to Second Public Open House on changes on January 23rd.

- Presented by Property Owner at 3851 Monianity Court by AL Epping and his wife Mary Ann.
- Property ownership faces the North Nine which has been by earlier Court Ruling allowing Mr. Barton Tack to not continue golfing on that nine and the associated maintenance. My wife and I are in agreement with that decision even though we are the only house facing the North Nine. (200 Yard Frontage.)
- The only real answer to have a financially viable golf course is to allow Mr. Tack to develop the property consistent with the rezoning plan submitted. This will provide funds to upgrade the golf course facilities and 18 hole course. The exact zoning for the different parcels needs to be resolved with the zoning authorities. In any case, no new usages are proposed than exist now in the greens area and other associated properties.

- The on-going delay is achieving nothing but loss of reputation for the Killeanna golf course and related properties and homes.
- Mr Tuck has proposed Killeann properties oversee uses for the new green spaces created. A joint planning group from affected groups to come up with the best answer, for those uses which need to recognize the existing home-owners and their property frontages. Also the golfing community and property owners at-large need to be considered.

Mary Ann and I support the rezoning plan proposed and without too yards of frontage are very interested in the best answer being defined and moving forward by the summer schedule.

Mary Ann & E. AL Eppinger
Eppinger

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn Country Club
Date: Wednesday, December 28, 2016 10:32:49 AM

For the record.

From: Connie Ewing [mailto:csitz@embarqmail.com]
Sent: Wednesday, December 28, 2016 10:02 AM
To: Dozier, Kristin <DozierK@leoncountyfl.gov>; Lindley, Mary Ann <LindleyM@leoncountyfl.gov>; Desloge, Bryan <DeslogeB@leoncountyfl.gov>; Dailey, John <DaileyJ@leoncountyfl.gov>; 'Jimbo Jackson -' <JacksonJ@LeonCountyFL.gov>; 'Bill Proctor -' <ProctorB@LeonCounty.gov>; Maddox, Nick <MaddoxN@leoncountyfl.gov>; Maddox, Scott <Scott.Maddox@talgov.com>; Miller, Nancy <Nancy.Miller@talgov.com>; Richardson, Curtis <Curtis.Richardson@talgov.com>; Ziffer, Gil <Gil.Ziffer@talgov.com>; Gillum, Andrew <Andrew.Gillum@talgov.com>; Walker, Barbara <BWalker@parkscrump.com>; Williams-Cox, Diane <dwmmscox@gmail.com>; Edmond, Timothy <edmondgroup.tde@gmail.com>; 'Patrick R. Madden -' <pmadden@jacksonville.nef.com>; Proctor, Stewart <stewart@structureiq.net>; 'Keith Dantin -' <keith@dantinconsultingllc.com>; Deyle, Robert <rdeyle@fsu.edu>; Wilcox, Barry <Barry.Wilcox@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Snyder, Russell <Dwayne.Snyder@talgov.com>; Dozier, Kristin <DozierK@leoncountyfl.gov>; Lindley, Mary Ann <LindleyM@leoncountyfl.gov>; Desloge, Bryan <DeslogeB@leoncountyfl.gov>; Dailey, John <DaileyJ@leoncountyfl.gov>; 'Jimbo Jackson -' <JacksonJ@LeonCountyFL.gov>; 'Bill Proctor -' <ProctorB@LeonCounty.gov>; Maddox, Nick <MaddoxN@leoncountyfl.gov>; Maddox, Scott <Scott.Maddox@talgov.com>; Miller, Nancy <Nancy.Miller@talgov.com>; Richardson, Curtis <Curtis.Richardson@talgov.com>; Ziffer, Gil <Gil.Ziffer@talgov.com>; Gillum, Andrew <Andrew.Gillum@talgov.com>; Walker, Barbara <BWalker@parkscrump.com>; Williams-Cox, Diane <dwmmscox@gmail.com>; Edmond, Timothy <edmondgroup.tde@gmail.com>; 'Patrick R. Madden -' <pmadden@jacksonville.nef.com>; Proctor, Stewart <stewart@structureiq.net>; 'Keith Dantin -' <keith@dantinconsultingllc.com>; 'Robert Deyle -' <rdeyle@fsu.ed>; Wilcox, Barry <Barry.Wilcox@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Snyder, Russell <Dwayne.Snyder@talgov.com>
Subject: Killearn Country Club

Dear Sir or Madam:

Over a year ago, the members of Killearn CC voted and signed an agreement with the property owner to build a new club that will **enhance** the whole community of Killearn and raise property value for everyone not just a few. These few **who may be affected are not willing** to see the big picture **because of their** selfish view. They are the ones who bought in **on the North course** when housing market peaked. If prices have gone down, just maybe it had to do with housing recession, and not that a golf course will not be in their backyard. Three years from now no one will remember a golf course. O'Brien is one of the elitist streets in Killearn and people will buy for the homes **& location, not because it is on a golf course.**

KCC Owner,

Mr. Tuck, should have the right to choose what he does with his property. He may decide to not do anything & close the **club if this nonsense legal battles continue.** Killearn will go down not being a golf "community. "

I have lived in Tallahassee since 1961. I married a local and we just celebrated our 50th wedding anniversary. Our three children chose to stay in Tallahassee and are raising our eight grandchildren here. We moved to the Bradfordville area when it was a one store community owned by the Rheibergs. Now the town has come to us. I am a member of KCC. I play golf. It will be a great loss to Members, Killearn community and Tallahassee should the club close. Please do not let this happen. I have watched this year the number of homes being renovated and younger families moving in to this great community. Please don't let the community down by voting down this great opportunity to create an even better Club which is the hub of Killearn.

Connie Ewing, Member of Killearn Country Club

From: [Bryan Desloge](#)
To: [Connie Ewing](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Saturday, December 31, 2016 12:14:14 PM

Connie, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record for the Comp Plan meetings.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests to deny the project, some to alter, as well as those like yours, who are in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you! Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Connie Ewing" <csitz@embarqmail.com> 12/28/2016 10:02 AM >>>

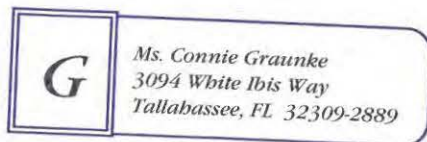
Dear Sir or Madam:

Over a year ago, the members of Killearn CC voted and signed an agreement with the property owner to build a new club that will **enhance** the whole community of Killearn and raise property value for everyone not just a few. These few **who may be affected are not willing** to see the big picture **because of their** selfish view. They are the ones who bought in **on the North course** when housing market peaked. If prices have gone down, just maybe it had to do with housing recession, and not that a golf course will not be in their backyard. Three years from now no one will remember a golf course. O'Brien is one of the elitist streets in Killearn and people will buy for the homes **& location, not because it is on a golf course.**
KCC Owner,

Mr. Tuck, should have the right to choose what he does with his property. He may decide to not do anything & close the **club if this nonsense legal battles continue.** Killearn will go down not being a golf "community. "

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Connie Ewing, Member of Killearn Country Club



TALLAHASSEE FL 323
15 NOV 2016 PM 2 7



Tallahassee-Leon County Planning Dept.
ATTN: Comprehensive Planning Division
300 So. Adams St.
Tallahassee, FL 32301

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

RECEIVED
2016 NOV 17 A 44
TALLAHASSEE
PLANNING

Amendment # PCM201702

I We as owner(s) of property at this address: 3094 White Ibis Way wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

The quality of our community, The Greens, would be
SIGNED: destroyed if Sawgrass Drive became a
thoroughfare. We request that the community
stay contained.
Connie Graunke

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street

M D. M. Muley
4025 Ardara Dr.
Tallahassee, FL 32309

TALLAHASSEE FL 323
08 NOV 2016 PM 2 L

Tallahassee Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301

32301+1731



If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 4025 Ardara Dr. wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

SIGNED: Danna M. E. Muley

From: [Singleton, Lauren](#)
To: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#); [Wilcox, Barry](#)
Subject: FW: W. Dallas Strickland, Jr. RE: 2017 KCC Comprehensive Plan Amendment
Date: Monday, January 23, 2017 7:47:38 AM

Please see the email below.

Lauren Singleton
Senior Executive Assistant
City of Tallahassee
300 S. Adams Street
Tallahassee, FL 32301
850.891.8328

From: Whitaker, Angie **On Behalf Of** Gillum, Andrew
Sent: Sunday, January 22, 2017 1:55 PM
To: 'dalstrick@comcast.net'
Cc: Tedder, Wayne; Van Pelt, Jamerson
Subject: W. Dallas Strickland, Jr. RE: 2017 KCC Comprehensive Plan Amendment

Peace unto you Mr. Strickland,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

The time is nigh to get going ~ RIG Coach Angie Whitaker

From: dalstrick@comcast.net [<mailto:dalstrick@comcast.net>]
Sent: Friday, January 20, 2017 3:33 PM
Subject: 2017 KCC Comprehensive Plan Amendment

As long time members and residents of Killearn Country Club and Killearn Estates, my wife and I would like to register our support of Mr. Tuck's 2017 Comprehensive Plan Amendment. We joined Killearn Country Club in the mid 60's before the structure was even complete. We feel that it is very important for Killearn Estates to have a country club. I feel that in order for Killearn Country Club to remain in operation Mr. Tuck's plan is the only viable option.

W. Dallas Strickland, Jr.
3044 Waterford Dr.
Tallahassee, FL 32309

From: [Bryan Desloge](#)
To: dalstrick@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: 2017 KCC Comprehensive Plan Amendment
Date: Sunday, January 22, 2017 11:24:32 AM

Dallas, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, FL 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <dalstrick@comcast.net> 1/20/2017 3:32 PM >>>

As long time members and residents of Killearn Country Club and Killearn Estates, my wife and I would like to register our support of Mr. Tuck's 2017 Comprehensive Plan Amendment. We joined Killearn Country Club in the mid 60's before the structure was even complete. We feel that it is very important for Killearn Estates to have a country club. I feel that in order for Killearn Country Club to remain in operation Mr. Tuck's plan is the only viable option.

W. Dallas Strickland, Jr.
3044 Waterford Dr.
Tallahassee, FL 32309

From: [Nick Maddox](#)
To: dalstrick@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: 2017 KCC Comprehensive Plan Amendment
Date: Wednesday, January 25, 2017 11:51:32 AM

Mr. Strickland,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <dalstrick@comcast.net> 1/20/2017 3:32 PM >>>

As long time members and residents of Killearn Country Club and Killearn Estates, my wife and I would like to register our support of Mr. Tuck's 2017 Comprehensive Plan Amendment. We joined Killearn Country Club in the mid 60's before the structure was even complete. We feel that it is very important for Killearn Estates to have a country club. I feel that in order for Killearn Country Club to remain in operation Mr. Tuck's plan is the only viable option.

W. Dallas Strickland, Jr.
3044 Waterford Dr.
Tallahassee, FL 32309

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Thursday, February 09, 2017 10:03:44 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: dhaver@comcast.net [mailto:dhaver@comcast.net]
Sent: Thursday, February 09, 2017 10:02 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM 201702

Name: David A Haver

Street Address: 3470 Gardenview Way

City: Tallahassee

State: Florida

Zip: 32309

Email Address: dhaver@comcast.net

Comments: I would like to take this opportunity to voice support for the amendment proposed by Mr. Tuck to allow the sale of the land and use the proceeds for improvements to Killearn Country Club. First of all, there are surrounding properties that are multi-family dwellings, so to suggest that this would create an "urban enclave" is ludicrous. Secondly, the improvements made to the country club would enhance the value of property for not only the residents of Killearn Estates (including those that live on the North Course), but those living within the entire Leon County area. Those that argue against the proposed changes believe that Mr. Tuck will be forced to reopen the North Course. This will not happen and the courts have already ruled in Mr. Tuck's favor. I am sympathetic to the homeowners who live on the North Course, but I respectfully submit that the improvements made to the facilities and

remaining 18 holes would be beneficial to all parties. I would hope that the Planning Commission will vote to accept the proposal so that Mr. Tuck can proceed to implement his plan.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Thursday, February 16, 2017 9:07:04 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: dhaver@comcast.net [mailto:dhaver@comcast.net]
Sent: Thursday, February 16, 2017 6:59 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM 201702

Name: David A Haver

Street Address: 3470 Gardenview Way

City: Tallahassee

State: FL

Zip: 32309

Email Address: dhaver@comcast.net

Comments: To say I was extremely disappointed at the vote taken by the commissioners to reject Mr. Tuck's proposal to change the Comp Plan would be an understatement. I would request that I be apprised of the reason for this vote especially in view of the fact that the Planning Commission Staff reported that the proposal was consistent with the Comp Plan. It appears that the commissioners who voted against the change bowed to pressure from a minority of homeowners affected by the change and not listening to their own staff who did their due diligence and approved the proposal. Please provide an explanation to this inconsistent and illogical vote. You owe it to all citizens of Leon County who are affected by this vote.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Thursday, February 09, 2017 1:18:50 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: dhaver@comcast.net [mailto:dhaver@comcast.net]
Sent: Thursday, February 09, 2017 1:17 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM 201702

Name: David A Haver

Street Address: 3470 Gardenview Way

City: Tallahassee

State: FL

Zip: 32309

Email Address: dhaver@comcast.net

Comments: I wanted to add to my previous comments that any decision made by a Planning Commission should be based on the merits of the proposal and what is in the best interest of the overall community, not be based on the comments of a few disgruntled citizens.

January 16, 2017

Re: Proposed Zoning Changes for the North Course of Killearn Country Club - - #PCM201702

Dear Commissioners:

We would like to express our opposition to the above referenced zoning change request and wholeheartedly ask that you deny the application. We, as residents of Killearn Estates for the past 26 years, recognize the requested changes would be detrimental to not only our home value, but also our overall quality of life.

In 1990, we purchased a lot in Killearn on the North Course (called the Narrows at that time). We built a home and enjoyed our neighborhood for 24 years. The homes in our neighborhood are well-maintained and those people whom we know are good neighbors. Since the owner of the Killearn Country Club announced in October of 2014 his desire to close the North Course, sell a portion of it for construction of housing, and designate the remaining portion a conservation area, the mood of those living in our neighborhood has changed - - especially since closure of the North Course in January 2016. Instead of waking to the hum of mowers cutting the greens in the morning and watching the frequent golfers in an attractive course setting, we now hear no mowers and can only watch the weeds grow and look at an overgrown polluted holding pond behind our house. We have to ask ourselves if this can be the same gorgeous lot we paid so much to purchase for our homesite.

Besides the issues surrounding added housing density in our neighborhood, such as those related to traffic and environmental impact, there is a more important issue - - we are among a large group of homeowners who chose to purchase land and homes with golf course frontage, not what will result if you approve this request. One can never predict what the future will bring. Just as in the past we never thought the golf course behind our house would close, it is not unfathomable to believe that in the future a new owner would want to improve the entire Killearn Golf Course and reopen the North. The planned Welaunee Development will undoubtedly present an opportunity for golf membership expansion. If you approve the requested zoning change and allow housing construction on portions of the Course, that will be an impossibility.

We ask that all Commissioners share the position reportedly stated by Commissioner Gil Ziffer in May 2015 - -

“I want everyone to know I will not vote for anything that changes the expectations that the current homeowners had when they bought a house on the golf course.”

It would be JUST WRONG to approve this request. Please recognize our rights as residents and voters of Killearn Estates.

Sincerely,

David and Terry Fulcher
4035 Kilmartin Drive

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: TFulcher@admin.fsu.edu
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Terry Fulcher Re: Proposed Amendment # PCM201702
Date: Wednesday, January 18, 2017 5:09:04 PM
Attachments: [Golf Course Zoning Change Opposition.pdf](#)

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Fulcher, Terry [mailto:TFulcher@admin.fsu.edu]
Sent: Monday, January 16, 2017 11:49 AM
To: Thomas, Debra; Miller, Nancy; Ziffer, Gil; Gillum, Andrew; Maddox, Scott; Richardson, Curtis; deslogeb@leon-countyfl.gov; maddoxn@leon-countyfl.gov; lindley@leon-countyfl.gov
Subject: Proposed Amendment # PCM201702

We request that the attached letter be considered in regard to the above referenced amendment request.

Thank you.

January 16, 2017

Re: Proposed Zoning Changes for the North Course of Killearn Country Club - - #PCM201702

Dear Commissioners:

We would like to express our opposition to the above referenced zoning change request and wholeheartedly ask that you deny the application. We, as residents of Killearn Estates for the past 26 years, recognize the requested changes would be detrimental to not only our home value, but also our overall quality of life.

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Besides the issues surrounding added housing density in our neighborhood, such as those related to traffic and environmental impact, there is a more important issue - - we are among a large group of homeowners who chose to purchase land and homes with golf course frontage, not what will result if you approve this request. One can never predict what the future will bring. Just as in the past we never thought the golf course behind our house would close, it is not unfathomable to believe that in the future a new owner would want to improve the entire Killearn Golf Course and reopen the North. The planned Welaunee Development will undoubtedly present an opportunity for golf membership expansion. If you approve the requested zoning change and allow housing construction on portions of the Course, that will be an impossibility.

We ask that all Commissioners share the position reportedly stated by Commissioner Gil Ziffer in May 2015 - -

“I want everyone to know I will not vote for anything that changes the expectations that the current homeowners had when they bought a house on the golf course.”

It would be JUST WRONG to approve this request. Please recognize our rights as residents and voters of Killearn Estates.

Sincerely,

David and Terry Fulcher
4035 Kilmartin Drive

David S. Ferguson, 3061 O'Brien Drive, Tallahassee, FL 32309

**Ms. Debra Thomas
Tallahassee-Leon County Planning Department
300 South Adams Street
Tallahassee, Florida 32301**

Dear Ms. Thomas:

I do plan to attend the hearing on November 17th at 5:30 PM at the Renaissance Center. I also serve as Secretary to the Killearn Homeowners Association, as well as, live on the 3rd nine holes of the Killearn Country Club that has been closed.

I find this proposed action by Mr. Tuck to be highly premature as we have come to no binding agreement on conservation areas (type and maintenance) and buffer zones for homes on holes 7, 8 and 9 (your area marked as Site E). I would believe this to be imperative before you consider any rezoning.

In addition, there is a pending court action by KHOA regarding the plat argument for those who purchased property on the closed nine holes with the expectation of living on the golf course. From our review (and our Attorney) if we win this court action, Mr. Tuck could only use the golf course as a golf course. Therefore, any zoning or comp. plan change would be moot in light of court action. So, based on the current mediation and KHOA pending court action your consideration of this request from Mr. Tuck should be delayed until both are resolved.

-2-

Lastly, any rezoning to R-4, allowing up to 10 units per acre, could not be sustained simply based on transportation needs (increased cars) and water runoff into our lakes.

Should you have any questions, please contact me @ (850) 894-1010.

Yours truly,


David S. Ferguson

Attachment:

- **Zoning Notification**
- **Mediation Agreement between Barton Tuck and the Killearn Home Owners Association.**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:

Case No. 2014 CA 2865

Case No. 2014 CA 3010

JOSEPH B. BLANDFORD, et al.,

Plaintiffs,

KILLEARN HOMES ASSOCIATION,
INC.,

Intervenor Plaintiff,

vs.

CASE NO. 2014 CA 002865

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP, et al.,

Defendants.

_____ /

CLAIRE A. DUCHEMIN,

Plaintiff,

KILLEARN HOMES ASSOCIATION, INC.,

Intervenor Plaintiff

vs.

CASE NO. 2014 CA 3010

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,

Defendant.

_____ /

MEDIATED PARTIAL SETTLEMENT AGREEMENT

Pursuant to the mediation conference held on the 9th day of September, 2016, between Killearn Homes Association, Inc. (KHA) and Palmetto Club Properties Limited Partnership (Palmetto), and subject to approval by the Killearn Homes Association, Inc.'s Board of Directors, the parties have agreed to the following terms:

This document does not memorialize a final agreement and is expressly NON-BINDING upon the parties. Rather, it outlines general understandings and goals the parties, subject first to full Board approval by KHA, will work together in good faith to convert into final and binding agreements via recorded covenants and/or written agreements.

The parties have reviewed, and incorporate herein by reference, a concept plan for the Killlearn Country Club prepared by NCG and Urban Catalyst Consultants ("the Plan"). Units and lots in the "Redevelopment Area" shaded blue therein shall be annexed as a new Unit to KHA. Lots in the redevelopment area shaded in orange shall be annexed into the respective adjoining/existing unit. The owners of same shall be dues paying members of KHA and the property shall be subject to the KHA's covenants and restrictions.

Palmetto acknowledges its duty and obligation to reinvest all funds generated by sales in the "Redevelopment Area" solely and exclusively into the Club ("Club" includes combined clubhouse and pro shop, parking lot, golf course, maintenance shop, and driving range) and will not be used to pay off any existing debt. Palmetto expressly agrees to provide written documentation sufficient to demonstrate that no lenders have a right to claim any such funds to satisfy preexisting debt obligations of Palmetto. The parties recognize the importance and priority of a premier clubhouse; to that end, the parties agree that said reinvested funds shall prioritize the redevelopment of the clubhouse to the extent feasible. The parties shall execute a recorded agreement whereby this duty shall be further bolstered and protected by the requirement to hold all proceeds in trust until they are properly utilized for said reinvestment. Said agreement

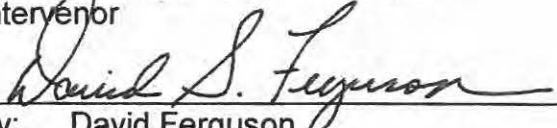
will prohibit closing in the event Palmetto is unable to fulfill this obligation due to intervening liens or debts. Palmetto will afford KHA means and methods via the agreement to insure Palmetto honors its obligation.

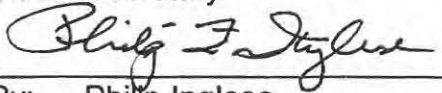
Single family residences shall be an allowable use in the areas shaded orange. The areas shaded in blue on the Plan include a certain number of single family homes as an allowable use, and an age restricted community consisting of 180-220 units containing high end amenities and a clubhouse shall be an allowable use, provided, and provided only, that the buffer between said community and single family homes must be in accord with the City of Tallahassee land use regulations AND must be approved by KHA. The buffer will be created by a written agreement (whether by covenant, easement, or agreement) which will clearly state the amount of buffer area and the only type of vegetation and/or improvement(s) allowable therein.

The areas shaded in green on the Plan shall become a conservation easement, the terms and conditions of which will be directed and determined by the Parties.

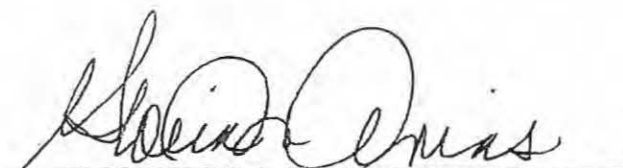
Dated in Tallahassee, Florida this 9th day of September, 2016.

Killearn Homes Association, Inc.,
Intervenor


By: David Ferguson
Title: Secretary


By: Philip Ingles
Title: Treasurer


Jennifer A. Winegardner (FBN: 133930)
The Chase Law Firm
1535 Killearn Center Blvd., Suite A1
Tallahassee, FL 32309
T - 850-385-9880
jwinegardner@chasefirm.com
Counsel for Killearn Homes Association,
Inc., Intervenor

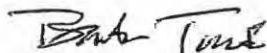


By: Gloria Arias
Title: Board Member

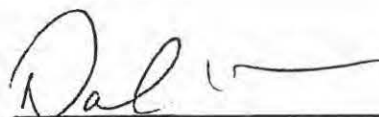


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rfiglio@ausley.com
Counsel for Killearn Homes Association,
Inc., Intervenor

Palmetto Club Properties Limited
Partnership
Defendant



By: Barton Tuck
Title: General Partner



Daniel E. Manausa (FBN: 53971)
M. Kip Krieger (FBN: 12294)
Manausa Law Firm, P.A.
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danny@manausalaw.com
kip@manausalaw.com
Counsel for Palmetto Club Properties
Limited Partnership, Defendant

summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department

ATTN: Comprehensive Planning Division

300 South Adams Street

Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3061 O'BRIEN DRIVE - TALLAHASSEE wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

1. Attached information letter from the Fergusons

2. MEDIATION AGREEMENT BETWEEN KHOA AND BARTON TUCK

SIGNED: David S. Ferguson

Rosemary S. Ferguson

KHOA - KILLEARN HOMEOWNERS ASSOCIATION

Calhoun, Sherri

From: dhaver@comcast.net
Sent: Thursday, November 17, 2016 3:28 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** David A Haver
- **Last Name:** Haver
- **Street Address:** 3470 Gardenview Way
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** dhaver@comcast.net
- **Comments:** I am a member of both Killearn Country (KCC) and Killearn Homeowners Association and wish to express my support of the proposed amendment regarding KCC. Mr. Tuck has put forth a plan to revitalize KCC by upgrading its facilities and return its position as a premier golf course community in the Tallahassee area. As most people know, the golf industry has fallen on hard times in the last decade for a variety of reasons. Many courses have been forced to close and golf course communities have suffered accordingly. I believe that the proposed amendment, if approved, would go a long way to begin the restoration plan for KCC. When the plan is completed, I would respectfully submit that not only would the members of KCC be elated (when a vote was taken by the membership, a significant majority were in favor of Mr. Tuck's plan), but also the upgrades to the the club would benefit the entire Killearn Estates community and the City of Tallahassee, as well. I appreciate the opportunity to submit these comments and hope the Planning Commission will approve this amendment. Regards, David Haver

Calhoun, Sherri

From: Haley, Jiwuan
Sent: Monday, November 07, 2016 8:39 AM
To: Thomas, Debra
Cc: Perrine, Beth
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

From: heildavid@comcast.net [<mailto:heildavid@comcast.net>]
Sent: Sunday, November 06, 2016 10:24 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission

Project Name/Number: PCM201702

Name: David Heil

Street Address: 2918 Tyron Cir

City: Tallahassee

State: FL

Zip: 32309

Email Address: heildavid@comcast.net

Comments: Thank you for the opportunity to comment on the notice of requested amendment to the comprehensive plan future land use map I received via USPS. Based on that notice, my recommendations and rationale are listed below: Recommendation: Denial of Site E. Rationale: Unacceptable increase in vehicle traffic, likely decrease in surrounding property values and the fact that other avenues "to help finance improvements to Killearn Golf and Country Club" as stated by the owner are available to the owner (such as: applying for loans, increasing Club member fees and dues and outright sale of the Club). Should Site E be considered for recommended approval, the following recommendation is an absolute necessity:

Recommendation: Do not permit access to Site E from Tyron Pass (one of the existing entrances to the Club) at Tyron Cir. and do not permit any new access to Site E from Tyron Cir., Longford Rd. or Carlow Cir. Rationale: Unacceptable increase in vehicle traffic.

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 1:23 PM
To: sheparddf@gmail.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Proposed Killearn Rezoning

David, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it, such as yours. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <sheparddf@gmail.com> 11/17/2016 12:58 PM >>>
FROM:"David Shepard <sheparddf@gmail.com>

I would like to respectfully request that the proposed Killearn rezoning proposal be rejected. The Killearn community was built to encompass single family homes surrounding lakes, parks and open outdoor recreation areas. Killearn is not, and should not be, a high density neighborhood. Infrastructure is currently not in place for high density neighborhood traffic or storm water runoff. Water and sewer systems are also unlikely to handle additional high density development. High density development is also not in the character of the Killearn community. Killearn was designed to be a single family home based community where children can safely run around and play without fear of high density traffic. Killearn is already struggling with storm water runoff issues and creating more impermeable surfaces with high density development will only exacerbate this problem in the community. In fact, several homes that will surround the high density development are already below the grade at which the development will be constructed and are likely to flood in the future from storm water runoff. Lastly, the high density development area is essentially "house locked" on all sides save the golf club entrance. High density development will add a lot of pressure on those roads with the single ingress/egress. I respectfully submit this high density development will increase the Killearn neighborhood stormwater and traffic issues and seriously undermine the single family neighborhood into which us existing homeowners purchased.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, February 15, 2017 8:41:12 AM

From: Sheparddf@gmail.com [mailto:Sheparddf@gmail.com]
Sent: Tuesday, February 14, 2017 6:14 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 - Killearn Country Club

Name: David Shepard

Street Address: 4033 Kilmartin Drive

City: Tallahassee

State: FL

Zip: 32309

Email Address: Sheparddf@gmail.com

Comments: In addition to explaining how Mr. Tuck's application is inconsistent with the Comp Plan (spot zoning, infill of interior land, harm to existing property owners), the Planning Staff's recommendation which was in part based on their belief that the golf course is adjacent to sections of Killearn Estates which they believe are separate neighborhoods zoned high density, so the golf course is NOT considered interior land. Any buildings constructed would be "extensions" of existing "neighborhoods." These higher-density sections are all part of Killearn Estates. They are NOT separate neighborhoods. The Planning Commissioners postponed any decision, because several of them didn't want to hurry their decision, wanted time to digest all the material presented, give Mr. Tuck a chance to show the developer's plans (presented for the first time at Tuesday's meeting) to the community (guess 2.5 years wasn't enough time to do this) and give the KHA a chance to conduct (unasked for and unauthorized) mediation on February 8th. One of the Planning Commissioners stated she wanted to postpone because, "They do not want to send something to the City Commission that will put them (City Commissioners) in a position to be political." Fact: Much of the material presented had NOTHING to do with the application and its inconsistencies with the Comprehensive Plan, which is the ONLY issue the Planning Commission should be considering. This is a black and white issue, and we need your help reminding the Planning Commission and Staff of this fact. This will be a future election issue for many Killearn residents if this neighborhood is diminished for an out-of-state property owner's wishes are held in higher regard than Tallahassee's own residents. Further, the golf club membership is made up of mostly non Killearn residents so they don't care as long as they get the promise of a new clubhouse. Most Killearn residents have been misled into thinking this is an issue of the golf course and therefore they do not want to get involved. It is not. Mr. Mannassa was very skilled in presenting this as the issue to divert attention from the development. He also used existing incorrect building previously permitted for multi family. Two wrongs do not make a right. Lastly, they club owner's team 'misspoke' when it indicated

shopping and drug stores would be only a block away. That should be very indicative of what the developers future plans are for the golf course property east of this proposed rezoning with access directly to Shamrock. This is a package deal affected Killearn too much for the future.

From: [Nick Maddox](#)
To: sheparddf@gmail.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Proposed Killearn Rezoning
Date: Tuesday, December 06, 2016 10:38:00 AM

Mr. Shepard,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <sheparddf@gmail.com> 11/17/2016 12:58 PM >>>
FROM:"David Shepard <sheparddf@gmail.com>

I would like to respectfully request that the proposed Killearn rezoning proposal be rejected. The Killearn community was built to encompass single family homes surrounding lakes, parks and open outdoor recreation areas. Killearn is not, and should not be, a high density neighborhood. Infrastructure is currently not in place for high density neighborhood traffic or storm water runoff. Water and sewer systems are also unlikely to handle additional high density development. High density development is also not in the character of the Killearn community. Killearn was designed to be a single family home based community where children can safely run around and play without fear of high density traffic. Killearn is already struggling with storm water runoff issues and creating more impermeable surfaces with high density development will only exacerbate this problem in the community. In fact, several homes that will surround the high density development are already below the grade at which the development will be constructed and are likely to flood in the future from storm water runoff. Lastly, the high density development area is essentially "house locked" on all sides save the golf club entrance. High density development will add a lot of pressure on those roads with the single ingress/egress. I respectfully submit this high density development will increase the Killearn neighborhood stormwater and traffic issues and seriously undermine the single family neighborhood into which us existing homeowners purchased.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Bryan Desloge](#)
To: [Thomas, Debra](#)
Cc: [Long, Vince](#); [Wilcox, Barry](#); [Bryant, Cherie \(Planning\)](#); [Fernandez, Rick](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: RE: Killearn Country Club - Barton Tuck
Date: Monday, December 05, 2016 6:52:50 PM

Much thanks, Debra, for your assistance! Merry Christmas and Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Thomas, Debra" <Debra.Thomas@talgov.com> 12/5/2016 3:32 PM >>>

Good evening,

The Greens of Killearn is zoned Residential Preservation 2 (RP-2), which allows a maximum density up to six (6) dwelling units per acre. Mr. Tucks' Comprehensive Plan Map Amendment and rezoning request is for Urban Residential and Residential Preservation Future Land Use categories with Urban Residential (R-4) zoning to implement the Urban Residential land use category. The R-4 zoning allows a maximum density up to ten (10) dwelling units per acre. Thanks!

From: Tico Gimbel [<mailto:tgimbel@lawfla.com>]
Sent: Monday, December 05, 2016 10:06 AM
To: Desloge, Bryan <DeslogeB@leoncountyfl.gov>
Cc: Long, Vince <LongV@leoncountyfl.gov>; Bryant, Cherie (Planning) <Cherie.Bryant@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Fernandez, Rick <Rick.Fernandez@talgov.com>; Calhoun, Sherri <Sherri.Sullivan@talgov.com>; Tedder, Wayne <Wayne.Tedder@talgov.com>
Subject: RE: Killearn Country Club - Barton Tuck

Brian:

Good morning! Can someone at the Commission (or staff) please confirm what the current zoning is for the Greens of Killearn area? We have been trying to determine that to no avail. Of course, we are likely looking in the wrong places. Can you also advise what Tuck's request for zoning change is and how they might differ?

Also, to follow up on your last e-mail that I support Tuck, I want to be clear that a group of us do support Truck's effort to revitalize Killearn Country Club but that is a different position than what we might be in agreement with in terms of the proposed development. We do

not favor multiple family housing or an increase in density from what already borders the golf course. The reason we are asking what the Greens are currently zoned for is because I believe the neighborhood and the KHOA would be in favor of a similar Greens of Killearn development in the proposed build out area and we would like to see the Commission push this in that direction.

Thank you for your time and service to our community.

Tico Gimbel

From: Bryan Desloge [<mailto:DeslogeB@leoncountyfl.gov>]
Sent: Thursday, November 17, 2016 12:20 PM
To: Tico Gimbel
Cc: Vince Long; Cherie Bryant; Debra Thomas; Ricardo Fernandez; Sherri Calhoun; Wayne Tedder
Subject: Re: Killearn Country Club - Barton Tuck

Tico, thank you for contacting me about this issue. As you may already know, this comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is currently being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that it is included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to not approve the project, to alter it, or as with yours, in support of it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

FROM:"Tico Gimbel" <tgimbel@lawfla.com>

Please be advised that the Membership at Killearn Country Club overwhelmingly approved Tuck's plan to revitalize our club over the next few years with new facilities (i.e. locker rooms, Pro Shop, dining rooms, kitchen, pool area, irrigation, tees boxes, and greens). The Membership voted by a 92% - 8% margin in favor of Tuck's plan. There are some disgruntled folks on the portion of the course that he has had to close to generate funds to cover the anticipated capital outlays. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Most residents do not support a multi-family zoning change but we are in favor of single family zoning or zoning similar to what is necessary to build another area like the Greens of Killearn in the proposed redevelopment location. Please support his plan to re-zone and revitalize Killearn Country Club but maintain appropriate zoning codes.

This message sent from the Leon County Website: www.leoncountyfl.gov

Bryan Desloge
Leon County Commission
District IV Commissioner

301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

Comments/Documents Submitted at the 2017 Amendment Cycle Open House
November 17, 2016

Recorded indicia of a common plan or scheme of development which included a 27-hole golf course feature.

The beginnings of the common chain of title for Killearn Estates:

The 1966 development loan informs of a large scale common plan or scheme of development:

Evidence of "common scheme of development" in the "chain of title" is embodied in express release provisions of Mortgage with Prudential Insurance recorded in Official Record 222, page 182, at 185. [discuss]

A pattern of restrictive covenants was used to implement the scheme of development, and protect the common grantor's primary marketing vehicle – the Golf Course:

The common grantor employed a pattern of subjecting every subdivision (or unplatted townhome or condominium development) by the common grantor to a uniform ad seriatim set of recorded covenants in the common chain of title which run with the land, are express as to protection of the Golf Course (which was being reserved to the ownership of the common grantor), expressly burden lands sold to common vendees for the benefit of all vendees in all subdivisions or developments, as well as the common grantor, and give and vest rights by recorded instrument in all common vendees within the properties "commonly known as Killearn Estates" in order to, among other things, create "a residential community with permanent parks, lakes, playgrounds, open spaces and other common facilities for the benefit of said community."

In repeatedly imposing and recording this pattern of restrictions the common grantor declared, among other things, (1) the intent and desire "to provide for preservation of values and amenities in said community", (2) the intent to subject each subdivision or development to these repeated uniform covenants and restrictions, (3) the right to add additional subdivisions and properties to these restrictions, for (4) the independent "benefit of said property and each owner thereof", such that (5) all such real property subjected by the common grantor to each and every restriction as recorded "shall be held, transferred, sold, conveyed, and occupied subject to "the covenants and restrictions", and (6) so that all such Declarations of Covenants and Restrictions "shall interlock all rights" of "the record owner[s], whether one or more persons or entities," of "the fee simple title to" the lands subjected to the various recorded covenants by the common grantor over time (7) "to the end that all rights resulting" to such common vendees and their successors "shall be uniform as between all units of Killearn Estates."

*attached e.g.
OR 745-491*

REC: 745 PAGE 491

KILLEARN ESTATES

RESIDENTIAL

DECLARATION OF COVENANTS AND RESTRICTIONS

STATE OF FLORIDA,
COUNTY OF LEON,

RECORDED IN THE PUBLIC
RECORDS OF LEON CO. FLA.
IN THE BOOK & PAGE 110.
OCT 30 4 38 PM 1975
AT THE TIME & DATE NOTED
PAUL ECHARTS FIELD
CLERK OF CIRCUIT COURT

343-111

KNOW ALL MEN BY THESE PRESENTS, That this Declaration of Covenants and Restrictions, made and entered into on this 29th day of October, A.D. 1975, by KILLEARN PROPERTIES, INC., a Florida corporation, hereinafter referred to as "Developer",

WITNESSETH:

WHEREAS, Developer is the owner of the real property commonly known as Killearn Estates and desires to create therein a residential community with permanent parks, lakes, playgrounds, open spaces, and other common facilities for the benefit of the said community; and,

WHEREAS, Developer desires to provide for the preservation of the values and amenities in said community and for the maintenance of said parks, lakes, street lights, playgrounds, open spaces, and other common facilities, and, to this end, desires to subject the real property described in Exhibit "A" together with such additions as have been or may hereinafter be made thereto (as provided in Article I) to the covenants, restrictions, easements, charges and liens, hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and,

WHEREAS, Developer has deemed it desirable, for the efficient preservation of the values and amenities in said community, to create an agency to which should be delegated and assigned the powers of maintaining and administering the community properties and facilities and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created; and,

WHEREAS, Developer has incorporated under the laws of the State of Florida, as a non-profit corporation, KILLEARN HOMES ASSOCIATION, for the purpose of exercising the functions aforesaid;

NOW, THEREFORE, the Developer declares that the real property described in Exhibit "A", and such additions thereto as may hereafter be made pursuant to Article I hereof, is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions") hereinafter set forth.

ARTICLE I
PROPERTY SUBJECT TO THIS DECLARATION

Section 1. Existing Property. The real property which is, and shall be, held, transferred, sold, conveyed, and occupied subject to this Declaration is located in Leon County, Florida, contains 5.09 acres more or less, and is more particularly described in Exhibit "A" attached hereto.

Section 2. Additional properties in Killearn Estates may become subject to this Declaration by recordation of additional declarations containing essentially the same substance as the instant indenture in the sole discretion of Developer. Any subsequent Declarations of Covenants and Restrictions shall interlock all rights of Members to the Association to the end that all rights resulting to Members of the Killearn Homes Association shall be uniform as between all units of Killearn Estates.

REC-745 PAGE 492

Page Two - Declaration of Covenants and Restrictions

ARTICLE II
DEFINITIONS

Section 1. The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

- (a) "Association" shall mean and refer to the Killearn Homes Association, Inc.
- (b) "Board" shall mean and refer to the Board of Directors of the Killearn Homes Association, Inc.
- (c) "Building" shall include, but not limited to, both the main portion of such building and all projections or extensions thereof, including garages, outside platforms and docks, carports, canopies, enclosed malls, porches, walls, docks, and fences.
- (d) "Committee" shall mean and refer to the Architectural Control Committee.
- (e) "Common Properties" shall mean and refer to those areas of land shown on any recorded subdivision plat of The Properties and intended to be devoted to the common use and enjoyment of the owners of The Properties.
- (f) "Improvements" shall mean and include structures and construction of any kind, whether above or below the land surface, such as, but not limited to, buildings, out-buildings, water lines, sewers, electrical and gas distribution facilities, loading areas, parking areas, walkways, wells, fences, hedges, mass plantings, entrance ways or gates and signs.
- (g) "Living Area" shall mean and refer to those heated and/or air conditioned areas which are completely finished as living area and which shall not include garages, carports, porches, patios or storage areas.
- (h) "Living Unit" shall mean and refer to any portion of a building situated upon The Properties designed and intended for use and occupancy as a residence by a single family.
- (i) "Member" shall mean and refer to all those Owners who are members of the Association as provided in Article XXXI, Section 1, hereof.
- (j) "Multifamily Structure" shall mean and refer to any building containing two or more Living Units under one roof, or when the density of Living Units exceeds five per acre.
- (k) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any site situated upon The Properties but, notwithstanding any applicable theory of the mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.
- (l) "Site" shall mean a portion or contiguous portions of said property, which accommodate a single use or related uses under single control. After improvement to the site providing for residential use, "site" shall mean each residential living unit and its adjoining property. In areas zoned for single-family use, "site" shall mean and refer to any plot of land shown upon any recorded subdivision map of The Properties, with the exception of Common Properties as heretofore defined.
- (m) "The Properties" shall mean and refer to all such existing properties, and additions thereto, as are subject to this Declaration or any Supplemental Declaration under the provisions of Article I, hereof.

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ARTICLE III
GENERAL PROVISIONS

Section 1. Duration. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by The Association, their respective legal representatives, heirs, successors, and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the then-Owners of two-thirds of the sites has been recorded, agreeing to change said covenants and restrictions in whole, or in part, provided, however, that no such agreement to change shall be effective unless made and recorded three (3) years in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every Owner at least ninety (90) days in advance of any action taken.

Section 2. Notices. Any notice required to be sent to any Member or Owner, under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears as Member or Owner on the records of the Association at the time of such mailing.

Section 3. Enforcement. Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; and failure by the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4. Severability. Invalidation of any one of these covenants or restrictions by judgement or court order shall in no wise affect any other provision which shall remain in full force and effect.

ARTICLE IV
AMENDMENT OF DECLARATION OF COVENANTS
AND RESTRICTIONS

The Developer reserves and shall have the sole right (a) to amend these covenants and restrictions for the purpose of curing any ambiguity in or any inconsistency between the provisions contained herein, (b) to include in any contract or deed or other instrument hereafter made any additional covenants and restrictions applicable to the said land which do not lower standards of the covenants and restrictions contained herein, and (c) to release any building plot from any part of the covenants and restrictions which have been violated (including, without limiting the foregoing, violations of building restriction lines and provisions hereof relating thereto) if the Developer, in its sole judgement, determines such violation to be a minor or insubstantial violation. With the concurrence of the owners of two-thirds of the property described in Article I, Section 1, the Developer may amend, alter, modify or delete any portion of these covenants and restrictions.

ARTICLE V
ADDITIONAL COVENANTS AND RESTRICTIONS

No property owner, without the prior written approval of the Developer, may impose any additional covenants or restrictions on any part of the land described in Article I, hereof.

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ARTICLE VI
ARCHITECTURAL CONTROL

No improvement, as defined herein, shall be commenced, erected or maintained upon The Properties nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted in duplicate to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by an architectural control committee. The Architectural Control Committee shall have the absolute and exclusive right to refuse to approve any such building plans and specifications and site grading and landscaping plans which are not suitable or desirable in its opinion for any reason, including purely aesthetic reasons connected with future development plans of the Developer of said land or contiguous lands.

ARTICLE VII
ARCHITECTURAL CONTROL COMMITTEE

Membership. The Architectural Control Committee is composed of two members to be appointed by the Developer and a third party to be appointed by the Association. A majority of the committee may designate a representative to act for it. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

Procedure. The Committee's approval, disapproval, or waiver as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with. At least ten (10) days prior to the commencement of construction, such plans and specifications shall be submitted to the Committee and shall consist of not less than the following: foundation plans, floor plans of all floors, section details, elevation drawings of all exterior walls, roof plan and plot plan showing location and orientation of all buildings and other structures and improvements proposed to be constructed on the building plot, with all building restriction lines shown. In addition, there shall be submitted to the Committee for approval, a description of materials and such samples of building materials proposed to be used as the Committee shall specify and require.

ARTICLE VIII
LAND USE AND BUILDING TYPE

No site shall be used except for residential and recreational purposes. Except in areas zoned for multi-family use, no building of any type shall be erected, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height. When the construction of any building is once begun, work thereon shall be prosecuted diligently and continuously until the full completion thereof. The main residence and attached structures shown on the plans and specifications approved by the Committee must be completed in accordance with said plans and specifications upon each building plot unless such completion is rendered impossible as the direct result of strikes, fires, national emergencies or natural calamities.

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ARTICLE IX
TEMPORARY STRUCTURES

No structure of a temporary character, basement, tent, shack, garage, barn or other outbuilding of any type shall be located on any site at any time, except during approved construction.

Except in areas zoned for multi-family use, boats, trailers, campers, or other vehicles shall be parked or stored within the garage or placed behind the residence; however, in no event shall the vehicles be visible from the street which runs in front of the property.

ARTICLE X
SINGLE-FAMILY LOT AREA AND WIDTH

No dwelling shall be erected or placed on any single-family site having a width of less than 80 feet at the place the dwelling is proposed to be erected nor shall any dwelling be erected or placed on any site having an area of less than 12,000 square feet.

ARTICLE XI
SINGLE-FAMILY DWELLING QUANTITY AND SIZE

The ground floor area of the main structure of single-family dwelling, exclusive of one-story porches, garages, carports, and patios shall be not less than the area specified in Exhibit "B", included herein.

In the event a structure contains more than one story, the ground floor must contain not less than 1,200 square feet and must be completely finished as living area, and at least 600 square feet of the second floor must be completely finished as living area. However, the total square footage must equal or exceed that of the required one story dwelling.

ARTICLE XII
BUILDING LOCATION

(a) No building shall be located on any site nearer to the front property line, rear property line, or nearer to the side street line than the minimum building setback lines specified on any recorded plat or site plan. In any event, no building shall be located on any site nearer than 40 feet to the front property line, or nearer than 20 feet to any side property line, or as otherwise specified by the Committee.

(b) No single-family dwelling shall be located nearer than 15 feet to an interior property line and must be at least 30 feet from an existing adjacent house. No single-family dwelling shall be located on any interior site nearer than 50 feet to the rear line.

(c) No driveway shall be located nearer than 5 feet to an interior property line except a back-up turn-around pad may be located as near as one foot to a property line.

(d) Except as otherwise provided herein, no fence of any kind shall be placed or constructed nearer to the front property line than the building setback line or the front corner of the residence, whichever is greater. No fence shall be located nearer than 2 inches to an interior property line.

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(e) No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site which has a rear property line adjacent to the Golf Course property. No fence or prominent structure of any kind shall be permitted on the rear 50 feet of any site which has a rear property line adjacent to a lake except that a fence may be constructed within 5 feet of and parallel to each side property line and extending to the rear property line.

(f) For the purpose of this covenant, eaves and steps shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building to encroach upon another site.

ARTICLE XIII
LAND NEAR PARKS AND WATER COURSES

No building shall be placed nor shall any material or refuse be placed or stored on any site within 20 feet of the property line of any park or edge of any open water course, except that clean fill may be placed nearer, provided that the natural water course is not altered or blocked by such fill.

ARTICLE XIV
EXTERIOR STRUCTURE MATERIALS

The exterior structure material of exterior walls of dwellings must be at least two-thirds (2/3) brick or stone masonry, unless specifically waived in writing by the Committee.

ARTICLE XV
GARAGES AND CARPORTS

Each Living Unit, except a multi-family structure, shall have a functional carport or garage attached to the residence which shall be screened on sides which are visible from the street, which runs in front of or adjacent to the property, in such a manner that objects located within the carport shall present a broken and obscured view from the outside thereof. All garage and carport entrances shall face the rear property line or a side property line that is not adjacent to a street. In no instance shall the entrance be permitted to face the front property line of the property.

ARTICLE XVI
DRIVEWAY AND WALKWAY CONSTRUCTION

All driveways shall be constructed of concrete or "hot mix" asphalt. Where curbs are required to be broken for driveway entrances, the curb shall be repaired in a neat and orderly fashion and in such a way to be acceptable to the Committee. Except in areas zoned for multi-family use, all walkways and sidewalks shall be constructed of concrete and have a minimum width of 30 inches.

ARTICLE XVII
UTILITY CONNECTIONS AND TELEVISION ANTENNAS

All house connections for all utilities including, but not limited to, water, sewerage, electricity, telephone and television shall be run underground from the property connecting points to the building structure in such manner to be acceptable to the governing utility authority and the Committee.

Exterior radio and television antenna installations must be approved in writing by the Committee.

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ARTICLE XVIII
WATER SUPPLY

No individual water supply system of any type shall be permitted on any site unless approved in writing by the Committee.

ARTICLE XIX
SEWAGE DISPOSAL

No individual sewage disposal system shall be permitted on any site unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of the State of Florida and the Leon County Health Departments. Approval of such system as installed shall be obtained from such department or departments.

ARTICLE XX
GARBAGE AND REFUSE DISPOSAL

No site shall be used, maintained, or allowed to become a dumping ground for scraps, litter, leaves, limbs, or rubbish. Trash, garbage or other waste shall not be allowed to accumulate on the property and shall not be kept except in sanitary containers installed in such a manner to be acceptable to the Committee. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

ARTICLE XXI
WINDOW AIR-CONDITIONING UNITS

No window air-conditioning units shall be installed in any side of a building, and all exterior heating and/or air-conditioning compressors or other machinery shall be located to the rear of the residence and not be visible from the street, in such a manner to be acceptable to the Committee.

ARTICLE XXII
MAIL BOXES

No mail box or paper box or other receptacle of any kind for use in the delivery of mail or newspapers or magazines or similar materials shall be erected or located on any building plot unless and until the size, location, design and type of material for said boxes or receptacles shall have been approved by the Committee. If and when the United States mail service or the newspaper or newspapers involved shall indicate a willingness to make delivery to wall receptacles attached to the residence, each property owner, on the request of the Committee, shall replace the boxes or receptacles previously employed for such purpose or purposes with wall receptacles attached to the residence.

ARTICLE XXIII
SIGNS

No sign of any kind shall be displayed to the public view on any site except one sign of not more than five square feet advertising the property for sale or rent. All signs must be approved in writing by the Committee.

ARTICLE XXIV
PROTECTIVE SCREENING

Protective screening areas are or shall be established as shown on the plat. Except as otherwise provided herein regarding street intersections under "Sight Distance At Intersections", plantings, fences or walls shall be maintained throughout the entire length of such areas by the owner or owners of the sites at their own

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expense to form an effective screen for the protection of the residential area. No building or structure except a screen fence or wall or utilities or drainage facilities shall be placed or permitted to remain in such areas. No vehicular access over the area shall be permitted except for purpose of installation and maintenance of screening, utilities and drainage facilities.

ARTICLE XXV
SIGHT DISTANCE AT INTERSECTIONS

No fence, wall, hedge or shrub planting which obstructs sightlines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the property lines extended. The same sightline limitations shall apply within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

ARTICLE XXVI
EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each site and all improvements in it shall be maintained continuously by the owner thereof, except for those improvements for which a public authority or utility company is responsible.

ARTICLE XXVII
BRIDLE TRAIL USE

Bridle trail areas, if any, shown on the recorded plats of Killearn Estates, are to be used only for such purpose, and for utility construction and maintenance. Bridle trails are to be kept clear of fences, shrubbery, gates and cattle crossings, leaves, grass trimmings, limbs or other refuse, and are to be kept in a manner to make possible the use of the bridle trails for horseback riding. In no instance shall the bridle trails be used as an access to carports, garages and driveways.

ARTICLE XXVIII
LIVESTOCK AND POULTRY

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any site, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose and, further, provided they are not allowed to wander or roam freely about the neighborhood.

ARTICLE XXIX
OIL AND MINING OPERATIONS

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any site, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any site. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, or maintained for any commercial purpose.

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ARTICLE XXX
NUISANCES

No noxious or offensive activity shall be carried on upon any site, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood or tend to damage or destroy either private or public property.

ARTICLE XXXI
MEMBERSHIP AND VOTING RIGHTS
IN THE ASSOCIATION

Section 1. Membership. Every person or entity who is a record owner of a fee or undivided fee, interest in any site which is subject to covenants of record to assessment by the Association, shall be a member of the Association, provided that any such person or entity who holds such interest merely as a security for the performance of an obligation shall not be a member. The requirement of membership shall not apply to any mortgagee or third person acquiring title by foreclosure or otherwise, pursuant to the mortgage instrument, or those holding by, through or under such mortgagee or third person. The record owner may, at his option, designate that the occupant of a residential Living Unit be the member in his stead.

Section 2. Voting Rights. The Association shall have two classes of voting membership:

Class A. Class A Members shall be all those owners as defined in Section 1 with the exception of the Developer. Class A Members shall be entitled to one vote for each single-family site, and, in the case of a multi-family site, one-half ($\frac{1}{2}$) vote for each residential Living Unit in which they hold the interests required for membership by Section 1. When more than one person holds such interest or interests in any site, all such persons shall be Members, and the vote for such site shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any such site.

Class B. Class B Members shall be the Developers. The Class B Member shall be entitled to two votes for each site in which it holds the interest required for membership by Section 1, provided that the Class B membership shall cease and become converted to Class A membership when the total votes outstanding in the Class A membership equals the total votes outstanding in the Class B membership, at which time the Class B membership shall be determined to be a Class A membership and entitled to vote as such.

ARTICLE XXXII
PROPERTY RIGHTS IN THE COMMON PROPERTIES

Section 1. Members' Easements of Enjoyment. Subject to the provisions of Section 3, every Member shall have a right and easement of enjoyment in and to the Common Properties and such easement shall be appurtenant to and shall pass with the title to every site.

Section 2. Title to Common Properties. The Developer may retain the legal title to the Common Properties until such time as it has completed improvements thereon and until such time as, in the opinion of the Developer, the Association is able to maintain the same but, notwithstanding any provision herein, the Developer hereby covenants, for itself, its successors and assigns, that it shall convey the Common Properties to the Association not later than the 1st day of January 1985.

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Section 3. Extend of Members' Easements. The rights and easements of enjoyment created hereby shall be subject to the following:

(a) the right of the Developer and of the Association, in accordance with its Articles and By-Laws, to borrow money for the purpose of improving the Common Properties and in aid thereof to mortgage said properties. In the event of a default upon any such mortgage, the lender shall have a right, after taking possession of such properties, to charge admission and other fees as a condition to continued enjoyment by the Members and, if necessary, to open the enjoyment of such properties to a wider public until the mortgage debt is satisfied, whereupon the possession of such properties shall be returned to the Association and all rights of the Members hereunder shall be fully restored; and,

(b) the right of the Association, as provided in its Articles and By-Laws, to suspend the enjoyment rights of any Member for any period during which any assessment remains unpaid, and for any period not to exceed thirty (30) days for any infraction of its published rules and regulations; and,

(c) the right of the Association to charge reasonable admission and other fees for the use of the Common Properties; and,

(d) the right of the Association to dedicate or transfer all or any part of the Common Properties to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members, provided that no such dedication or transfer, determination as to the purpose or as to the conditions thereof, shall be effective, unless an instrument signed by Members entitled to cast two-third (2/3) of the votes irrespective of class of membership has been recorded, agreeing to such dedication, transfer, purpose or condition, and unless written notice of the proposed agreement and action thereunder is sent to every Member at least ninety(90) days in advance of any action taken; and

(e) the rights of Members of the Association shall in no wise be altered or restricted because of the location of the Common Property in a Unit of Killearn Estates in which such Member is not resident. Common Property belonging to the Association shall result in membership entitlement, notwithstanding the Unit in which the site is acquired, which results in membership rights has herein provided.

ARTICLE XXXIII
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Developer, for each site owned by him within the Properties, hereby covenants and each Owner of any site by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance, be deemed to covenant and agree to pay to the Association: (1) annual assessments or charges; (2) special assessments for capital improvements, such assessments to be fixed, established, and collected from time to time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collections thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with such interest thereon and cost of collection thereof as hereinafter provided, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents in The Properties and in particular for the improvement and maintenance of properties, services and facilities devoted to the

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purpose and related to the use and enjoyment of the Common Properties and of the homes situated upon The Properties, including, but not limited to, the payment of taxes and insurance thereon and repair, replacement, and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof.

Section 3. Basis and Maximum of Annual Assessments. Until the year beginning January, 1973, the annual assessment shall be Thirty Dollars (\$30.00) per site. From and after January 1, 1973, the annual assessment may be increased by vote of the Members, as hereinafter provided, for the next succeeding three (3) years, and at the end of each such period of three (3) years for each succeeding period of three (3) Years. Any Member paying the annual dues on or prior to June 1 of the year in which same becomes due, shall be entitled to pay only the sum of Twenty-four Dollars (\$24.00). From and after June 1 of each year, the annual dues shall be Thirty Dollars (\$30.00). The assessment for any multi-family Living Units shall be one-half ($\frac{1}{2}$) of the assessment specified herein.

The Board of Directors of the Association may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

Section 4. Special Assessment for Capital Improvements. In addition to the annual assessments authorized by Section 3 hereof, the Association may levy in any assessment year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the Common Properties, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds ($\frac{2}{3}$) of the votes of Class A Members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all Members at least thirty (30) days in advance and shall set forth the purpose of the meeting.

Section 5. Change in Basis and Maximum Amount of Annual Assessments. Subject to the limitations of Section 3 hereof, and for the periods therein specified, the Association may change the maximum amount and basis of the assessments fixed by Section 3 hereof prospectively for any such period, provided that any such change shall have the assent of two-thirds ($\frac{2}{3}$) of the votes irrespective of class of Members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all Members at least thirty (30) days in advance and shall set forth the purpose of the meeting, provided further that the limitations of Section 3 hereof shall not apply to any change in the maximum amount and basis of the assessments undertaken as an incident to a merger or consolidation in which the Association is authorized to participate under its Articles of Incorporation and under Article I, Section 2 hereof.

Section 6. Quorum for any action authorized under Sections 4 and 5. The quorum required for any action authorized by Sections 4 and 5 hereof shall be as follows:

At the first meeting called, as provided in Sections 4 and 5 hereof, the presence at the meeting of Members, or of proxies, entitled to cast sixty (60) percent of all votes of the membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in Sections 4 and 5 hereof, and the required quorum at any such subsequent meeting shall be one-half ($\frac{1}{2}$) of the required quorum at the preceding meeting, provided that no such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

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Section 7. Date of Commencement of Annual Assessments. Due Dates. The annual assessments provided for herein shall commence on the date (which shall be the first day of a month) fixed by the Board of Directors of the Association to be the date of commencement. No assessment shall be due until all promised improvements have been completed by the Developer and Warranty Deeds issued. Assessments for multi-family structures or units will not commence until completion of the construction of the structures.

The first annual assessments shall be made for the balance of the calendar year and shall become due and payable on the day fixed for commencement. The assessments for any year, after the first year, shall become due and payable on the first day of April of said year.

The amount of the annual assessment which may be levied for the balance remaining in the first year of assessment shall be an amount which bears the same relationship to the annual assessment provided for in Section 3 hereof as the remaining number of months in that year bear to twelve. The same reduction in the amount of the assessment shall apply to the first assessment levied against any property which is hereafter added to the properties now subject to assessment at a time other than the beginning of any assessment period.

The due date of any special assessment under Section 4 hereof shall be fixed in the resolution authorizing such assessment.

Section 8. Duties of the Board of Directors. The Board shall fix the date of the commencement, and the amount of the assessment against each site, for each assessment period at least thirty (30) days in advance of such date or period and shall, at that time, prepare a roster of the properties and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any Owner. Written notice of the assessment thereupon shall be sent to every Owner subject thereto.

The Association shall, upon demand, furnish at any time to any Owner liable for said assessment, a certificate in writing signed by an officer of the Association, setting forth whether said assessment has been paid. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 9. Effect of Non-payment of Assessment: The Personal Obligation of the Owner; The Lien; Remedies of Association. If the assessments are not paid on the date when due (being the dates specified in Section 7 hereof), then such assessment shall become delinquent and shall, together with such interest thereon and cost of collection thereof, as hereinafter provided, thereupon becoming a continuing lien on the property which shall bind such property in the hands of the then Owner, his heirs, devisees, personal representatives and assigns. The personal obligation of the then Owner to pay such assessment, however, shall remain his personal obligation for the statutory period and shall not pass to his successors in title unless expressly assumed by them.

If the assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the rate of six (6) percent per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same or to foreclose the lien against the property, and there shall be added to the amount of such assessment the cost of such action. In the event a judgment is obtained, such judgment shall include interest on the assessment as above provided and a reasonable attorney's fee to be fixed by the Court, together with the costs of the action.

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Section 10. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be absolutely subordinate to the lien of any first mortgage now or hereafter placed upon the properties subject to assessment. This subordination shall not relieve such property from liability for any assessments now or hereafter due and payable, but the lien thereby created shall be secondary and subordinate to any first mortgage as if said lien were a second mortgage, irrespective of when such first mortgage was executed and recorded.

Section 11. Exempt Property. The following property subject to this Declaration shall be exempted from the assessments, charges and liens created herein: (a) all properties to the extent of any easement or other interest therein dedicated and accepted by the local public authority and devoted to public use; (b) all Common Properties as defined in Article 2 hereof; (c) all properties exempted from taxation by the laws of the State of Florida, upon the terms and to the extent of such legal exemption.

Notwithstanding any provisions herein, no land or improvements devoted to dwelling use shall be exempt from said assessments, charges or liens.

ARTICLE XXXIV
EXTERIOR MAINTENANCE

Section 1. Exterior Maintenance. In addition to maintenance upon the Common Properties, the Association shall have the right to provide maintenance upon vacant sites and shall have the right to provide maintenance upon every improved site which is subject to assessment under Article 8 hereof. Such maintenance may include paint, repair, replace and care of roofs, gutters, downspouts, exterior building surfaces, and other exterior improvements. Such maintenance as to a vacant site may include the mowing of grass and weeds, the trimming of shrubs, or the removal of trash and litter.

Section 2. Assessment of Cost. The cost of such maintenance shall be assessed against the site upon which such maintenance is done and shall be added to and become part of the annual maintenance assessment or charge to which such site is subject under Article 33 hereof and, as part of such annual assessment or charge, it shall be a lien against said property as heretofore defined and limited, and a personal obligation to the Owner, as heretofore limited, and shall become due and payable in all respects as provided in Article 33 hereof.

ARTICLE XXXV
LAKES, BOATS AND DOCKS

Section 1. Boats. Boats may be powered only by an outboard electric motor having a maximum of three (3) horsepower and shall be maintained and operated at all times in a safe manner according to the safety rules established by the Outboard Boating Club of America, U. S. Coast Guard, or other similar organizations.

Section 2. Landscaping. The dumping, filling, excavation, planting of spreading-type vines or other foliage, fencing, or the cutting of trees having a diameter of three (3) inches or more which would change the configuration of the shoreline or disturb the appearance and natural beauty of the shore within fifty (50) feet of the water's edge is prohibited.

Section 3. Dock Height. Docks shall be constructed perpendicular to the shoreline of any lake and be not more than one foot above the crest of the bank along the shoreline and in no event higher than two feet above the established water level.

REC: 745 PAGE 504

Page Fourteen - Declaration of Covenants and Restrictions

Section 4. Dock Size and Shape. Docks shall have a flat, unobstructed surface constructed of wood and a rectangular shape not to exceed twenty-five (25) feet in length and six (6) feet in width which shall be supported by either concrete or wood pilings, or as otherwise specified by the Committee.

Section 5. Dock Appearance. All wooden surfaces shall be painted and maintained so as to blend architecturally with the residence and the environment and present a neat, orderly and well-kept appearance in a manner to be acceptable to the Architectural Control Committee.

Section 6. Prohibitions. Diving platforms, floating docks, oil drums, other buoyant objects or materials, ladders, hand railing, overhead electrical wiring, fishing methods employing the use of other than a hand-held device, and boat houses are specifically prohibited on any residential site abutting a lake.

Section 7. Swimming. No swimming shall be permitted from any area deeded to the Killearn Homes Association, Inc. Any owner of a site or sites abutting upon Lake Killarney, Lake Kanturk or any other lake who swim or permit others to swim from such site or sites shall do so at their own risk. Neither Killearn Properties, Inc. nor Killearn Homes Association, Inc. assume any responsibility for the purity of the water in Lake Killarney and Lake Kanturk or any damage resulting from their use.

Section 8. Authority and Responsibility. It shall be the sole responsibility of the Association to maintain the aesthetics of all lakes, the discharge of which jurisdiction shall entitle said Association to go on and upon all lakes for the purpose of performing its responsibilities to the members and contributing owners.

Section 9. Permission to Improve. Permission is given to Killearn Properties, Inc., its successors or assigns, to enter upon all lakes and install or otherwise construct any docks, ramps, pumping, drainage and well facilities, and to improve all lakes. Permission to undertake such construction is granted by each purchaser of property bordering any lake.

Section 10. For all single family sites fronting on any lake, and for multi-family Living Units which are a part of a tract fronting on any lake, the annual assessment in Article XXXIII shall be one hundred fifty (150) percent of the annual assessment applicable to other sites.



REF: 745 PAGE 505

5.09 acres situate in Leon County, Florida viz:

Commence at the Northwest corner, also the most Westerly corner of Lot 1, Block "B" of Kimberton Unit No. 1, a subdivision as per map or plat thereof, recorded in Plat Book 6, Page 5 of the Public Records of Leon County, Florida, said point lying on the Southeasterly right-of-way boundary of an 80.0 foot roadway known as Shamrock North, said point also lying on a curve concave to the Southeasterly, run thence Southwesterly along said right-of-way curve with a radius of 382.12 feet, through a central angle of 04 degrees 29 minutes 59 seconds, for an arc distance of 30.01 feet (the chord of said arc being South 41 degrees 26 minutes 38 seconds West 30.00 feet), run thence South 38 degrees 12 minutes 03 seconds West along said right-of-way, a distance of 45.62 feet to the POINT OF BEGINNING. From said Point of Beginning and leaving said right-of-way run South 43 degrees 26 minutes 01 second East 180.05 feet, run thence South 31 degrees 31 minutes 47 seconds West 193.04 feet to a point on a curve concave to the Easterly, run thence Southwesterly and Southeasterly along said curve with a radius of 300.00 feet, through a central angle of 36 degrees 48 minutes, for an arc distance of 192.68 feet (the chord of said arc being South 03 degrees 23 minutes 20 seconds East 189.39 feet), run thence South 28 degrees 01 minute 37 seconds West 304.16 feet, run thence South 33 degrees 07 minutes 12 seconds West 202.38 feet, run thence South 77 degrees 20 minutes 36 seconds West 73.51 feet, run thence North 05 degrees 20 minutes 22 seconds East 172.38 feet, to a point of curve to the left, run thence along said curve with a radius of 128.55 feet, through a central angle of 57 degrees 08 minutes 19 seconds, for an arc distance of 128.20 feet, run thence North 51 degrees 47 minutes 57 seconds West 120.00 feet to a point of curve to the right, run thence along said curve with a radius of 30.00 feet, through a central angle of 90 degrees 00 minutes 00 seconds, for an arc distance of 47.12 feet to said Southeasterly right-of-way boundary of Shamrock North, run thence North 38 degrees 12 minutes 03 seconds East along said right-of-way boundary, a distance of 683.95 feet to the POINT OF BEGINNING; containing 5.09 acres, more or less.

EXHIBIT "A"

REC: 745 PAGE 506

EXHIBIT "B"
DWELLING QUANTITY AND SIZE

Pursuant to the provisions of Article XI, the ground floor area of a single-story structure shall not be less than the following:

Lots fronting on or adjacent to:

- | | |
|---------------------|-------------------|
| (a) Lake Kinsale: | 2,000 square feet |
| (b) Lake Killarney: | 2,000 square feet |
| (c) All other lots: | 1,400 square feet |



REC: 745 PAGE 507

IN WITNESS WHEREOF, said corporation has caused this instrument to be signed in its name by its President and its corporate seal to be hereunto affixed and attested by its Secretary, this 29th day of October, A.D. 1975.



Its Secretary

KILLEARN PROPERTIES, INC.

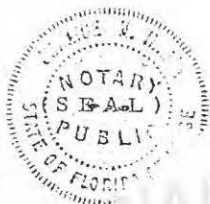
By:

J. T. Williams Jr.
Its President

STATE OF FLORIDA
COUNTY OF LEON:

Before me personally appeared J. T. Williams Jr. and Arleta Kerr, to me well known, and known to me to be the individuals described in and who executed the foregoing instrument as President and Secretary of the above named KILLEARN PROPERTIES, INC., a Florida corporation, and severally acknowledged to and before me that they executed such instrument as such President and Secretary respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

Witness my hand and official seal this 29th day of October, A.D. 1975.



Juanita M. Hagan
NOTARY PUBLIC

My Commission Expires: 1-29-79
Notary Public, State of Florida at Large.
My Commission Expires Jan. 29, 1979.



**Dennis R. Ferguson
3316 Piping Rock St.
Tallahassee, Florida 32309
(813) 220-5291**

January 23, 2017

(Sent Via Email)

Debra Thomas
Senior Planner
Comprehensive Planning Department
Tallahassee-Leon County Planning Department
300 South Adams Street
Tallahassee, FL 32301

Re: Requested Plan Amendment: Killearn Country Club
Reference Number: PCM201702
Applicant: Barton N. Tuck, Jr.

Dear Ms. Thomas:

This information and the following comments are submitted for your attention and for the record regarding the above-referenced proposed Amendment to the Tallahassee-Leon County Comprehensive Plan Future Land Use Map (the “Plan Amendment”). I sincerely appreciate the opportunity to provide this to you, and also your anticipated review and consideration.

I live at 3316 Piping Rock, in the Pebble Creek neighborhood, which is a “zero lot-line” community immediately West of the 35-acre parcel identified as “Site E” in the Plan Amendment request. Our neighborhood is bordered by the Killearn Country Club golf course on the South and West, the Country Club Villas community on the North, and Tyron Pass on the East. Pebble Creek is a covenant-restricted community with private roads (i.e., the streets are not owned and maintained by the City). Consequently, the Pebble Creek Homeowners Association is responsible for the maintenance of the four streets—River Chase, Piping Rock, Tam O’Shanter, and Jonathan’s Landing—that comprise our community.

Pebble Creek was originally platted in the early 1980's, and has 58 homes on its 60 platted lots (one home occupies 2 lots and 2 homes share 3 adjacent lots). Pebble Creek has been fully “built out” for many years, except for one last lot which was built upon approximately 4 years ago. Access to our neighborhood is from Edenderry Drive onto River Chase (which is also a primary access to Country Club Villas) and onto Piping Rock or Jonathan’s Landing from Tyron Pass. Of course, while Edenderry is a City street, Tyron Pass itself is also not owned or maintained by the City.

Debra Thomas
January 23, 2017
Page 2

Obviously, the proposed Plan Amendment, particularly with respect to the “Site E” property immediately adjacent to Pebble Creek to the East, is of significant concern to Pebble Creek residents like myself. There are all of the usual concerns that accompany consideration of a new development at a significantly increased residential density—traffic, drainage, noise, residential buffers, etc. All of these items definitely exist for serious review and consideration in connection with the determination of the “compatibility” of the development possible under the proposed Plan Amendment involved here.

Unfortunately, the only realistic way for affected residents to look at such a proposal is to consider that it presents the threat of potential new development at the maximum density permissible under the proposed Plan Amendment. I believe it is almost certain that development at the maximum density permitted under the proposed Plan Amendment (350 units) would be profoundly incompatible with the existing nature and residential quality of the current adjacent areas, and particularly so as to a long-existing neighborhood like Pebble Creek. While multi-family residential development is not itself necessarily incompatible with our area, the extent of the proposed development and the maximum density allowed under the Plan Amendment proposed significantly exceed what could reasonably be considered to be at all potentially compatible under any conceivable circumstances. And that is completely aside from and in addition to the resulting effects upon the existing infrastructure, including traffic, drainage, noise, etc., that are certain to result.

In addition to these general considerations regarding the compatibility of the development proposed, there are particular practical problems that affect the compatibility of the development allowed under the Plan Amendment with our established Pebble Creek community. These additional unique considerations are:

First, as I have mentioned, one of the primary means of access to our neighborhood is from Tyron Pass. That “street” is itself private, narrow, and frankly poorly maintained. In its current condition, and as a private street, it could not possibly provide sufficient and appropriate access to any proposed new development, much less continue to also provide the existing access to Killearn Country Club, Country Club Villas, and Pebble Creek.

Second, our private streets cannot possibly accommodate the additional traffic flow that would undoubtedly result (intentionally or merely as a natural bi-product) from an adjacent 350-unit multi-family development. Our streets are narrower than City streets and our homes are closer together and closer to the street. We can barely handle service vehicles as it is. While increased traffic would be an annoyance on City streets like Shamrock North and can perhaps be controlled by appropriate control devices, we have no such means of control. Such additional traffic would literally overwhelm and destroy our small community. Pebble Creek would become, as a practical matter, a part of the new multi-family development. That is an unfair and inappropriate fate for our

Debra Thomas
January 23, 2017
Page 3

neighborhood. In my own view, the consequences would be so severe as to amount to a “taking” of our property.

Third, on a related note, there is an additional practical issue involved. The Pebble Creek Homeowners Association maintains our streets, not the City. Typically, our streets require resurfacing approximately every 10 years. That cost is borne by the Homeowners Association. Our most recent re-paving was done in May of 2016 at a cost of approximately \$40,000. Estimates for that work ranged from that amount to over \$60,000. As I hope you can appreciate, that is a significant expense for a small neighborhood association (consisting primarily of retired and fixed-income residents). The additional street maintenance resulting from the traffic naturally resulting from an adjacent high-density development such as the maximum permitted by the Plan Amendment would tremendously affect our Association’s finances. Obviously, it would be inequitable, unfair, and completely inappropriate for new development to impose such direct financial consequences upon a neighborhood and its individual residents merely for being adjacent to the new development.

Fourth, and finally, I must mention the storm water drainage situation in this area. Because Pebble Creek bears the brunt of substantial storm water runoff from nearby City streets through drainage features constructed and maintained by the City, the City has provided substantial improvements in this area to remedy what in the past was regular flooding from storm water drainage. Still, however, overflow due to the substantial drainage from the West into our community’s retention pond (which the City for some reason does not maintain) and the extraordinary drainage down the hills from Tyron Pass to the East regularly challenge the sufficiency of these improvements. To put it more bluntly, storm water drainage is a very big problem in this area. Any additional drainage from new development to the East will immediately overwhelm the capacity we have all (including the City) worked so hard to establish and would further punish this neighborhood by flooding our streets and houses on a regular basis.

The proposed Plan Amendment presents substantial concerns for our entire area. While some forms of multi-family development may not be inherently incompatible with the existing neighborhoods, development to the extent permissible under the Plan Amendment does present definite problems of compatibility—with infrastructure, drainage, traffic, noise, and also other unique impacts and direct financial consequences to adjacent neighborhoods and residents. The consideration and application of these nearly certain consequences to Pebble Creek makes the development permitted under the Plan Amendment incompatible as proposed.

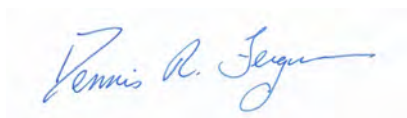
Pebble Creek residents feel that they live in a unique and special community. They have worked hard to make it that way and continue to endeavor to keep it that way. And it is in a unique position to experience the maximum negative impact from the development proposed by

Debra Thomas
January 23, 2017
Page 4

the Plan Amendment. In any event, the particular and unique problems presented by the Plan Amendment request to our neighborhood deserve serious and special consideration, and should receive corresponding unique and special accommodation, before any such Plan Amendment could possibly be approved.

Again, I appreciate your consideration of this information and these comments.

Very truly yours,



Dennis R. Ferguson

cc: (Via Email)

Tallahassee-Leon County Planning Commission:

Honorable Andrew Gillum, Mayor
Honorable Nancy Miller, City Commissioner
Honorable Scott Maddox, City Commissioner
Honorable Curtis Richardson, City Commissioner
Honorable Gil Ziffer, City Commissioner
Honorable Brian Desloge, County Commissioner
Honorable Mary Ann Lindley, County Commissioner
Honorable Nick Maddox, County Commissioner
Honorable John Dailey, County Commissioner
Honorable Bill Proctor, County Commissioner
Honorable Jimbo Jackson, County Commissioner
Honorable Kristin Dozier, County Commissioner

From: [Nick Maddox](#)
To: [Dennis Ferguson](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Comprehensive Plan Future Land Use Plan Amendment--Killearn Country Club; Reference Number PCM201702
Date: Wednesday, January 25, 2017 11:53:41 AM

Mr. Ferguson,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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Please note that 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.

>>> Dennis Ferguson <denfergus@gmail.com> 1/23/2017 4:48 PM >>>
Dear Commissioners,

Please see the attached letter of information and comments regarding the above pending Comprehensive Plan Future Land Use Plan Amendment request. Thank you for your consideration.

Dennis Ferguson
3316 Piping Rock
[813-220-5291](tel:813-220-5291)

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 9:38:01 AM

From: diannabraddy@gmail.com [mailto:diannabraddy@gmail.com]
Sent: Tuesday, February 14, 2017 9:38 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Golf Club

Name: Dianna Braddy

Street Address: 2965 Shamrock N A1

City: Tallahassee

State: FL

Zip: 32309

Email Address: diannabraddy@gmail.com

Comments: VOTE TO DENY MR. TUCK'S APPLICATION. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT ZONING in its most blatant form. Planning Commissioner Robert Beyle said the request looked to him like an example of spot zoning, which the Supreme Court has defined as singling out a small parcel to the benefit of the landowner and to the detriment of surrounding property owners. Beyle also said the request would create an urban enclave in a suburban area, and that would be "verboden." "On those grounds I would move denial. It is not our job to bail out a failing business to upzone property so the owner can sell at higher price," Beyle said. Thank you Commissioner Beyle for having the fortitude to speak up for what is Right and not what is Popular. It's what makes the difference between leaders and followers.

From: donrexroadusmc@comcast.net
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Tuesday, December 06, 2016 4:28:45 PM

- **Amendment:** PCM201701 Map
- **First Name:** donald
- **Last Name:** rexroad
- **Street Address:** 5052 Tallow Point Rd
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** donrexroadusmc@comcast.net
- **Comments:** I have been a resident of Killearn Estates and a member of the Killearn Golf and Country Club for over 43 yrs. I have watched the facilities of the Country Club deteriorate to their present condition where the Club is no longer an attraction to a family in Tallahassee seeking a location to raise a family or enjoy retirement. It is my firm belief, after living on the golf course for 18 yrs and now residing on Lake Kanturk, that Mr. Tucks plan for improving KG&CC is a most favorable for the betterment of ALL KILLEARN RESIDENTS, not just members of the Country Club and/or Golf Course.

Calhoun, Sherri

From: donniepwatts@gmail.com
Sent: Thursday, November 17, 2016 2:47 AM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - proposed comp plan change to 'Narrows' in Killearn Estates

FROM: donniepwatts@gmail.com

DATE: 11/17/2016 02:47:21 AM

SUBJECT: proposed comp plan change to 'Narrows' in Killearn Estates

Dear Commissioners, I own property that is on the 3rd fairway of the Killearn golf course. I am very concerned about loss of property value due to Barton Tuck's lack of upkeep & request to change the comp plan to allow development of the Narrows portion of Killearn golf course. I bought property adjacent to golf course property & would be directly impacted by any change to comp plan. Donnie (Doris) Watts

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:01 PM
To: donniepwatts@gmail.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Fwd: proposed comp plan change by Barton Tuck for Narrows on Killlearn golf course
Attachments: Notice PCM201702revised2.doc

Donnie, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, to alter it, as well as those against it, such as yours. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <"donniepwatts@gmail com"> 11/17/2016 12:23 PM >>>
FROM:"Donnie (Doris) Watts <donniepwatts@gmail com>

I live on #3 fairway on Narrows, I bought property on the golf course & my property value will be negatively impacted if no longer golf course property. How will I be compensated if comp plan is revised to allow development? Respectfully submitted, Donnie (Doris) Watts

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Donnie Watts](#)
Cc: [Tedder, Wayne](#); [Van Pelt, Jamerson](#); [Singleton, Lauren](#)
Subject: Donnie Watts RE: Opposition to land use change to Killearn Golf Course
Date: Wednesday, January 18, 2017 5:00:25 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Donnie Watts [mailto:donniepwatts@gmail.com]
Sent: Wednesday, January 18, 2017 8:17 AM
To: Gillum, Andrew; Miller, Nancy; Ziffer, Gil; scott.mattox@talgov.com; Richardson, Curtis
Subject: Opposition to land use change to Killearn Golf Course

I own property on back 9 holes of Killearn golf course & am adamantly opposed to land use change to comp plan.
Donnie Watts

From: [Nick Maddox](#)
To: [Donnie Watts](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Proposed land use change/Killearn Golf Course
Date: Thursday, January 19, 2017 12:52:08 PM

Ms. Watts,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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Please note that 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.

>>> Donnie Watts <donniepwatts@gmail.com> 1/18/2017 8:47 AM >>>

Good morning, I own property on the back nine holes of Killearn golf course, I am adamantly opposed to a land use change.

Donnie (Doris) Watts

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, February 15, 2017 8:41:58 AM

From: mbachtel1@gmail.com [mailto:mbachtel1@gmail.com]
Sent: Tuesday, February 14, 2017 11:29 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 - Killlearn Country Club

Name: Dr. Michelle Bachtel

Street Address: 3011 Shamrock Street North

City: Tallahassee

State: Florida

Zip: 32309

Email Address: mbachtel1@gmail.com

Comments: I am adamantly opposed to the rezoning request. I bought my home in 2011 after moving from Moore Pond, due to it backing to a golf course/green space in a larger neighborhood and never knew it could or would be anything but a golf course/ green recreational space. My backyard is directly on the 8th hole of the "Narrows", which is site E to be considered for R4 multi family housing. If rezoned, nothing prevents the developer to put 10 units/acre and there has been absolutely NO attempt by Mr. Tuck NOR Killlearn HOA to communicate with the homeowners on the Narrows (back 9 holes), even after suggestion by land use commissioners. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, due to increase in traffic, flooding and decrease in property values due to effect from comparable values of homes such as mine when would sell for less per square foot. Thank you for your time and consideration, Dr. Michelle Bachtel .

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:59 AM

From: JJTrend@aol.com [mailto:JJTrend@aol.com]
Sent: Tuesday, February 14, 2017 12:42 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Golf & Country Club

Name: E. E. (Jerry) Johnston

Street Address: 3014 Sawgrass Circle

City: Tallahassee

State: FL

Zip: 32309

Email Address: JJTrend@aol.com

Comments: Don't approve this rezoning request. It amounts to SPOT ZONING. Why would you want to do that right in the MIDDLE of our established community? Please don't let the applicant's threats of closing the golf course influence your decision. Instead, think about the many citizens with single-family homes bordering the golf course that would be impacted, visually and financially. Do the right thing and deny the rezoning request. Help us preserve the Killearn we know and love.

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn Golf Course Rezoning Request
Date: Wednesday, January 18, 2017 10:00:40 AM
Attachments: [image001.png](#)

Please include in the record.

From: Wilcox, Barry
Sent: Tuesday, January 17, 2017 12:01 PM
To: White, Artie <Artie.White@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Bryant, Cherie (Planning) <Cherie.Bryant@talgov.com>
Subject: FW: Killearn Golf Course Rezoning Request

Barry Wilcox, AICP, LEED ND AP

Division Manager

Tallahassee-Leon County Planning Dept.
Comprehensive Planning & Urban Design
850.891.6400 • barry.wilcox@talgov.com



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

From: Edward Kadunc [<mailto:edwardkadunc@gmail.com>]
Sent: Monday, January 16, 2017 6:54 PM
To: Wilcox, Barry
Subject: Killearn Golf Course Rezoning Request

Dear Mr. Wilcox,

I am writing to express my opposition to the proposed rezoning request for of part of the Killearn Golf Course. Killearn is a deeded golf course community - all of our deeds have restrictions with regard to the golf course. The concept of a golf course community was an attractive factor in our decision to purchase in Killearn. Allowing the owner of the course to obtain rezoning for parts of the course in order to build housing and at higher density levels then currently permitted will impact the quality of life in our community, have a detrimental impact on the environment by increasing runoff and decreasing green areas, and will add additional significant traffic to our road ways.

From: ellen@ellenhicks.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Sunday, December 04, 2016 8:07:11 PM

- **Amendment:** PCM201701 Map
- **First Name:** Ellen
- **Last Name:** Hicks
- **Street Address:** 2443 Merrigan Place
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** ellen@ellenhicks.com
- **Comments:** As a long term resident of Killearn Estates and a professional Realtor, I believe that the rezoning of the narrows would cause property values to go down. Everyone bought their properties based on there being a Golf Club and facilities in the community! Every person owning property in KE would be affected by the poor planning decision! Why can't there just a decision based on what's right for the whole neighborhood! Enough Greed already!

From: [Calhoun, Sherri](#)
To: [Calhoun, Sherri](#)
Subject: Preserve Killearn Estates
Date: Tuesday, January 17, 2017 2:35:37 PM
Attachments: [image003.png](#)

From: Ellen Hicks [<mailto:ellenhicks@kw.com>]
Sent: Monday, January 16, 2017 7:41 PM
To: Wilcox, Barry
Subject: Preserve Killearn Estates
Importance: High

I've lived in Killearn Estates since 1991.

I worked for J T Williams, Killearn Realty from 1983-1991. I always looked up to the developers and J T Williams. They created two wonderful Golf Community subdivisions. We all trusted that Killearn Estates would always be a golf community and our investments were safe here!

I've listed and sold many of the homes in this subdivision by pointing out the amenities, including a golf and country club. I personally, through experience, believe that changing the golf course zoning to R-4 multifamily would be a disaster for Killearn Estates homeowners as well as the future resale values! I don't think the city will want to lower our taxes, but I believe they will need to be adjusted after the rezoning becomes a reality!

This subdivision is the only neighborhood left that has affordable housing with a golf course. It feels like this subdivision has been raped of its value! First the city takes over the lakes and makes them into "flow through prairies" (their words not mine) and never maintains them and now the golf course will have apartments or elderly housing on them! Who in hell, would want to purchase any home here unless it were heavily discounted!

I know these emails are last ditch effort to try and effect change for the entire subdivision. I know that there will never be consideration for "doing the right thing for the greater good"! Only money talks! You will probably allow these outsiders to come into our town, purchase our golf course, ride it down into the ground by not maintaining it properly and suck all the money out of it, and leave unscathed while the rest of us live with the consequences!

I don't believe anyone, not even you, really cares one way or the other but here it is, my thoughts. If nothing else you will feel guilty after reading this.



Ellen Q. Hicks SFR,CDPE,CIAS

"The HouseSold Name in Real Estate since 1974"

Broker Associate

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Sherri Calhoun

Staff Assistant

Comprehensive Planning & Urban Design

300 S. Adams Street. Tallahassee, Florida

Ph#: (850) 891-6413

Fax: (850) 891-6404

Sherri.calhoun@talgov.com

<http://www.talgov.com/planning/PlanningHome.aspx>



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

From: [Bryan Desloge](#)
To: ellen@ellenhicks.com
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates Rezoning
Date: Tuesday, December 13, 2016 5:15:58 PM

Ellen, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you! Merry Christmas and Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <ellen@ellenhicks.com> 12/4/2016 8:13 PM >>>
FROM:"Ellen Hicks" <ellen@ellenhicks.com>

I've been a long time resident of KE and a professional Realtor since 1974! The rezoning of the golf course would bring down the values of the whole subdivision! Everyone who lives here bought into a golf community! Destroying it by a developer/owner for the purpose of flipping without concerning of everyone in his wake is a crime! Let's do what's right and vote against Greed! Enough already!

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: ellen@ellenhicks.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates Rezoning
Date: Tuesday, December 06, 2016 10:18:39 AM

Ms. Hicks,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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This message sent from the Leon County Website: www.leoncountyfl.gov

From: Silvia.Alderman@akerman.com
To: [Calhoun, Sherri](#)
Cc: [Wilcox, Barry](#)
Subject: FW: Preserve Killearn Estates
Date: Thursday, January 19, 2017 6:49:15 PM
Importance: High

Silvia Morell Alderman

Board Certified by the Florida Bar in State & Federal Government and Administrative Practice
Akerman LLP | Suite 1200 | 106 East College Avenue | Tallahassee, FL 32301
Dir: 850.425.1627 | Main: 850.224.9634 | Fax: 850.325.2527
silvia.alderman@akerman.com

[vCard](#) | [Bio](#)



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From: Timothy Edmond [<mailto:tim@theedmondgroup.comcastbiz.net>]
Sent: Tuesday, January 17, 2017 9:17 AM
To: Alderman, Silvia (Ptnr-Tlh)
Subject: FW: Preserve Killearn Estates
Importance: High

Timothy D. Edmond, CEO
The Edmond Group, LLC
Licensed Real Estate Broker
1234-B Timberlane Rd., Suite A
Tallahassee, FL 32312
O 850.893.9900
M 850.528.5676
edmondgroup.tde@gmail.com

From: Ellen Hicks [ellenhicks@kw.com]
Sent: Monday, January 16, 2017 7:39 PM
To: edmondgroup.tde@gmail.com
Subject: Preserve Killearn Estates

I've lived in Killearn Estates since 1991.

I worked for J T Williams, Killearn Realty from 1983-1991. I always looked up to the developers and J T Williams. They created two wonderful Golf Community subdivisions. We all trusted that Killearn Estates would always be a golf community and our investments were safe here!

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Southwood has proven that the concept of a golf course community is still valid. If Mr. Tuck is not able to run the course profitably, then he should find someone who can.

Finally, if the north nine holes are not returned to golf course use, then the only other acceptable use for this land is as a green space. Single family and/or multifamily homes are not acceptable.

I ask that you support denying the rezoning request.

Regards,

Edward L. Kadunc

3911 Leane Drive
Tallahassee, FL 32309
+1.850.329.6805 (home)
+1.202.468.0523 (mobile)

From: Silvia.Alderman@akerman.com
To: [Calhoun, Sherri](#)
Cc: [Wilcox, Barry](#)
Subject: FW: Killearn Golf Course Rezoning
Date: Thursday, January 19, 2017 6:49:32 PM

Silvia Morell Alderman

Board Certified by the Florida Bar in State & Federal Government and Administrative Practice
Akerman LLP | Suite 1200 | 106 East College Avenue | Tallahassee, FL 32301
Dir: 850.425.1627 | Main: 850.224.9634 | Fax: 850.325.2527
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From: Timothy Edmond [<mailto:tim@theedmondgroup.comcastbiz.net>]
Sent: Tuesday, January 17, 2017 9:18 AM
To: Alderman, Silvia (Ptnr-TIh)
Subject: FW: Killearn Golf Course Rezoning

Timothy D. Edmond, CEO
The Edmond Group, LLC
Licensed Real Estate Broker
1234-B Timberlane Rd., Suite A
Tallahassee, FL 32312
O 850.893.9900
M 850.528.5676
edmondgroup.tde@gmail.com

From: Edward Kadunc [edwardkadunc@gmail.com]
Sent: Monday, January 16, 2017 6:49 PM
To: edmondgroup.tde@gmail.com
Subject: Killearn Golf Course Rezoning

Dear Mr. Edmond,

I am writing to express my opposition to the proposed rezoning request for of part of

the Killearn Golf Course. Killearn is a deeded golf course community - all of our deeds have restrictions with regard to the golf course. The concept of a golf course community was an attractive factor in our decision to purchase in Killearn. Allowing the owner of the course to obtain rezoning for parts of the course in order to build housing and at higher density levels then currently permitted will impact the quality of life in our community, have a detrimental impact on the environment by increasing runoff and decreasing green areas, and will add additional significant traffic to our road ways.

Southwood has proven that the concept of a golf course community is still valid. If Mr. Tuck is not able to run the course profitably, then he should find someone who can.

Finally, if the north nine holes are not returned to golf course use, then the only other acceptable use for this land is as a green space. Single family and/or multifamily homes are not acceptable.

I ask that you support denying the rezoning request.

Regards,

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3911 Leane Drive
Tallahassee, FL 32309
+1.850.329.6805 (home)
+1.202.468.0523 (mobile)

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 1:20 PM
To: Ethrasherjr@gmail.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates
Attachments: Notice PCM201702revised2.doc

Elwin, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it such as yours. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <Ethrasherjr@gmail.com> 11/17/2016 1:09 PM >>>
FROM:"Elwin Thrasher <Ethrasherjr@gmail.com>

My name is Elwin Thrasher, Jr.. I am a registered voter who has lived in Tallahassee since 1973. I have lived at and owned the residence at 3021 O'Brien Drive in Killearn Estates since 1995. Prior to that I owned and lived in another home in Killearn Estates for 17 years. My present home abuts what used to be the sixth hole of the north course. Now, since the north course has been closed, it abuts a weedway even though the taxing authorities call it a greenway. The closure and current condition of the land is part of Mr. Tuck's scheme to bring pressure on the owners to support his request. As far as this owner is concerned it has failed. It merely demonstrates what he considers a conservation easement will look like in the future if his request is granted.

As you know, Barton Tuck, the owner of the entity that owns the golf course property in Killearn has asked that portions of the golf course be re-zoned to allow construction of single family residences on some portions of the course and multi-family units on a larger section. Mr. Tuck is not a resident of Florida. He owns golf courses in other states. There is a pattern of failure of his golf courses and of his failure to honor his word.

Killearn Estates was established as a golf course community. Through the incapable management of Mr. Tuck and his minions the golf course, the inn, and the club house fell into disrepair. As a result membership fell drastically and it continues to fall. This does not mean it must always be so. More capable management would make all the difference.

Should Mr. Tuck's request to re-zone be granted, any hope of continuing Killearn Estates as designed as a golf course community will end and the values of all of the homes in Killearn will be diminished, especially those which abut the north course. If the re-zoning request is granted, the area now known as the north course will be chopped up so that it cannot be restored as a golf course.

I encourage you to deny the re-zoning request. This will allow an opportunity for others who are more competent to purchase the golf course and return it to its former self. To do otherwise will lead to the diminishment of Killearn Estates and its value to the owners, the City and the County.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 9:32:04 AM

From: Ethrasherjr@gmail.com [mailto:Ethrasherjr@gmail.com]
Sent: Tuesday, February 14, 2017 9:32 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702/Killearn Country Club

Name: Elwin Thrasher

Street Address: 3021 OBrien Dr

City: Tallahassee

State: FL

Zip: 32309

Email Address: Ethrasherjr@gmail.com

Comments: Though I appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing

Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it.

From: [Nick Maddox](#)
To: Ethrasherjr@gmail.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates
Date: Tuesday, December 06, 2016 10:38:46 AM

Mr. Thrasher,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
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FROM:"Elwin Thrasher <Ethrasherjr@gmail.com>

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As you know, Barton Tuck, the owner of the entity that owns the golf course property in Killearn has asked that portions of the golf course be re-zoned to allow construction of single family residences on some portions of the course and multi-family units on a larger section. Mr. Tuck is not a resident of Florida. He owns golf courses in other states. There is a pattern of failure of his golf courses and of his failure to honor his word.

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This message sent from the Leon County Website: www.leoncountyfl.gov

Comments/Documents Submitted at the 2017 Amendment Cycle Open House
November 17, 2016

First American Title Insurance Company has issued an advisor its issuing agents and offices., FL – 2015–0012 Advisory concerning private or semi private golf courses, parks and other recreational areas.

The purpose is "to advise agents that there is inherent risk involved in insuring lands involving a golf course or other recreational area converted to another use."

The advisory addresses any "transaction involving the closure or intent to close a golf course or other recreational area."

In the advisory it states "The Company considers transactions involving the re-development of private or semi-private golf courses, parks, lake or other recreational areas to be extra hazardous risk."

It goes on to say "Sometimes the claim is made that re-development violates agreements, express or implied, recorded or unrecorded, that constituted an inducement to purchase or some properties adjacent to the golf course or situated elsewhere in the same planned community."

I will obtain and provide a copy of that advisory in full to you for your file. It will place you further on notice that any sane title insurer will exclude coverage to consequences of claims raised by owners of interests in land surrounding the golf course, that they hold rights that affect the development or prevent the owner from operating the subject property in any manner other than as a golf course.

(Emphasis supplied)

Calhoun, Sherri

From: fqvroom@comcast.net
Sent: Monday, November 14, 2016 2:09 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Fred
- **Last Name:** Vroom
- **Street Address:** 2801 Edenderry Drive
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** fqvroom@comcast.net
- **Comments:** Please vote "No" on the request to change the Future Land Use Map of the Killearn Golf and Country Club, site "E". Approving the request could add 350 families and 350 to 700 more cars to an area that is frequently congested now. Approving the request will damage our quality of life and damage our property values. As a resident of Killearn Estates for the last 42 years please vote "No" on the rezoning request. We are an All-American city; we want our city to be beautiful, not over-crowded and ugly. Fred Vroom 2801 Edenderry Drive Tallahassee, Florida

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:10 PM
To: fqvroom@comcast.net
Cc: Bryant, Cherie (Planning); Calhoun, Sherri
Subject: Re: Comprehensive Plan Changing Land Use Killearn Estates
Attachments: Notice PCM201702revised2.doc

Fred, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364

deslogeb@leoncountyfl.gov

>>> <fqvroom@comcast.net> 11/17/2016 6:42 AM >>>

FROM:"Fred Vroom <fqvroom@comcast.net>

Please vote â?oNoâ? on the request to change the Future Land Use Map of the Killearn Golf and Country Club, site "E". Approving the request could add 350 families and 350 to 700 more cars to an area that is frequently congested now. Approving the request will damage our quality of life and damage our property values. As a resident of Killearn Estates for the last 42 years please vote â?oNoâ? on the rezoning request. We are an All-American city; we want our city to be beautiful, not over-crowded and ugly.
Fred Vroom
2801 Edenderry Drive
Tallahassee, Florida

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Oppose rezoning of the Killearn Golf Course property.
Date: Wednesday, January 18, 2017 10:06:20 AM

Please include in the record.

From: Fred Vroom [mailto:fqvroom@comcast.net]
Sent: Monday, January 16, 2017 7:33 PM
To: Thomas, Debra <Debra.Thomas@talgov.com>
Subject: Oppose rezoning of the Killearn Golf Course property.

Dear Ms. Thomas, Planning Commission,

I am opposed to the rezoning of the Killearn Golf Course property.

I am a retired physician and property owner in Killearn Estates for 43 years.

Of the responding Killearn Home owners

98% believe Killearn should remain a Golf Course Community.

85% think the property values would be impacted without the golf course.

The rezoning is against Florida's Land Use Plan.

It is against the Covenant put in place when the Golf Course was created.

Rezoning up to 40.9 acres for up to 10 families per acre, will add 500 to 1,000 cars to our traffic pattern and dangerously parking many cars on the street.

REZONING DAMAGES OUR PROPERTY VALUES AND OUR QUALITY OF LIFE.

PLEASE DO NOT SIDE WITH SOMEONE from OUT OF STATE AGAINST OVER 4,000 LEON COUNTY AND TALLAHASSEE TAX PAYERS AND VOTERS.

I am opposed to the rezoning of the Killearn Golf Course property.

Respectfully,
Fred Q. Vroom, M.D.

From: [Bryan Desloge](#)
To: [Fred Vroom](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Oppose rezoning of the Killearn Golf Course
Date: Thursday, January 05, 2017 8:38:03 AM

Fred, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter it, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you! Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Fred Vroom <fqvroom@comcast.net> 1/4/2017 8:11 PM >>>
Dear Commissioner Desloge,

I am opposed to the rezoning of the Killearn Golf Course property.

I am a retired physician and property owner in Killearn Estates for 43 years.

Of the responding Killearn Home owners

98% believe Killearn should remain a Golf Course Community.

85% think the property values would be impacted without the golf course.

The rezoning is against Florida's Land Use Plan.

It is against the Covenant put in place when the Golf Course was created.

Rezoning up to 40.9 acres for up to 10 families per acre, will add 500 to 1,000 cars to our traffic pattern and dangerously parking many cars on the street.

REZONING DAMAGES OUR PROPERTY VALUES AND OUT QUALITY OF LIFE.

PLEASE DO NOT SIDE WITH SOMEONE from OUT OF STATE AGAINST OVER 4,000 LEON COUNTY AND TALLAHASSEE TAX PAYERS AND VOTERS.

I am opposed to the rezoning of the Killearn Golf Course property.

Respectfully,
Fred Q. Vroom, M.D.

From: [Nick Maddox](#)
To: fqvroom@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Comprehensive Plan Changing Land Use Killearn Estates
Date: Tuesday, December 06, 2016 10:30:50 AM

Mr. Vroom,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <fqvroom@comcast.net> 11/17/2016 6:42 AM >>>
FROM:"Fred Vroom <fqvroom@comcast.net>

Please vote â?oNoâ? on the request to change the Future Land Use Map of the Killearn Golf and Country Club, site "E".

Approving the request could add 350 families and 350 to 700 more cars to an area that is frequently congested now.

Approving the request will damage our quality of life and damage our property values.

As a resident of Killearn Estates for the last 42 years please vote â?oNoâ? on the rezoning request.

We are an All-American city; we want our city to be beautiful, not over-crowded and ugly.

Fred Vroom
2801 Edenderry Drive
Tallahassee, Florida

This message sent from the Leon County Website: www.leoncountyfl.gov

From: Silvia.Alderman@akerman.com
To: [Calhoun, Sherri](#)
Cc: [Wilcox, Barry](#)
Subject: FW: Oppose rezoning of the Killearn Golf Course property.
Date: Thursday, January 19, 2017 6:49:54 PM

Silvia Morell Alderman

Board Certified by the Florida Bar in State & Federal Government and Administrative Practice
Akerman LLP | Suite 1200 | 106 East College Avenue | Tallahassee, FL 32301
Dir: 850.425.1627 | Main: 850.224.9634 | Fax: 850.325.2527
silvia.alderman@akerman.com

[vCard](#) | [Bio](#)



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From: Timothy Edmond [mailto:tim@theedmondgroup.comcastbiz.net]
Sent: Tuesday, January 17, 2017 9:17 AM
To: Alderman, Silvia (Ptnr-Tlh)
Subject: FW: Oppose rezoning of the Killearn Golf Course property.

Timothy D. Edmond, CEO
The Edmond Group, LLC
Licensed Real Estate Broker
1234-B Timberlane Rd., Suite A
Tallahassee, FL 32312
O 850.893.9900
M 850.528.5676
edmondgroup.tde@gmail.com

From: Fred Vroom [fqvroom@comcast.net]
Sent: Monday, January 16, 2017 7:27 PM
To: edmondgroup.tde@gmail.com
Subject: Oppose rezoning of the Killearn Golf Course property.

Dear Mr. Edmond, Planning Commission,

I am opposed to the rezoning of the Killearn Golf Course property.

I am a retired physician and property owner in Killearn Estates for 43 years.

Of the responding Killearn Home owners

98% believe Killearn should remain a Golf Course Community.

85% think the property values would be impacted without the golf course.

The rezoning is against Florida's Land Use Plan.

It is against the Covenant put in place when the Golf Course was created.

Rezoning up to 40.9 acres for up to 10 families per acre, will add 500 to 1,000 cars to our traffic pattern and dangerously parking many cars on the street.

REZONING DAMAGES OUR PROPERTY VALUES AND OUR QUALITY OF LIFE.

PLEASE DO NOT SIDE WITH SOMEONE from OUT OF STATE AGAINST OVER 4,000 LEON COUNTY AND TALLAHASSEE TAX PAYERS AND VOTERS.

I am opposed to the rezoning of the Killearn Golf Course property.

Respectfully,
Fred Q. Vroom, M.D.

January 26, 2017

Re: Killearn Country Club Comprehensive Plan - PCM201702

To: City of Tallahassee Planning Commission

We are citizens of the City of Tallahassee. We live, work, and have raised our family in the City. We have made the largest investment we have or will make when we purchased a home adjoining the open-space/recreational land that, until recently, was the Killearn North Course. We made that investment in reliance on the City's promises as reflected in its Comprehensive Plan and FLUM.

We are also dues paying members of the Killearn Country Club. We love our club, and are good friends with many of its members. We have no desire to see the club fail, and would very much like to see the owner act responsibly and invest some of his substantial income from his years of Killearn ownership in maintaining his investment. However, the City should not be complicit in the Applicant's proposal to enhance the value of his investment, while diminishing the value of ours.

We attended the open houses on November 17, 2016, and January 23, 2017, and have written the Planning Commission, staff, and our elected officials with our concerns over this entirely incompatible "Urban Residential" Comprehensive Plan designation and R-4 zoning for the 30-acre open-space parcel (Site E) abutting our home and those of our neighbors.

We have now received the staff recommendation. It has any number of skewed and misleading facts. This is not an exhaustive list, but we offer the following:

1. Leon County Comp Plan Policy 2.2.23 provides that:

Urban Residential may serve as a transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to

support the increased residential densities. The category is not intended to be applied within the interior of an existing neighborhood, unless to correct, legal non-conforming uses and/or densities.

The report acknowledges that the subject areas are located in the Killearn Estates community (p. 4 of 17). A map of Killearn Estates, on its website, shows the subject property is squarely in the heart of the Killearn Estates neighborhood.

Staff has acknowledged Policy 2.2.23, but, astonishingly, “has concluded that the subject area, though internal to the larger Killearn community, is on the edge of the surrounding neighborhoods in the immediate area” (p. 7 of 17). That is simply false.

During the January 23, 2017, open house, the presenter stated that the Planning Commission has “interpreted” that clear and unambiguous standard to apply only when a single lot in the interior of an existing neighborhood is being redesignated. No basis for the interpretation was provided. Furthermore, the fallacy of the “interpretation” is revealed by the requirement that any such designation be supported by the availability of “alternative modes of transportation” to “support the increased residential densities.” Such transportation options would not be necessary for a single-lot development. The Policy clearly envisions larger scale proposals, such as the one here, which would need access to transportation to serve the increased density.

The proposal being advanced, which is in the interior of the Killearn Estates neighborhood, is in clear violation of Policy 2.2.23.

2. As set forth above, a designation of Urban Residential to a parcel may be warranted where it serves as a “transition category between lower density residential categories and more intensive development such as higher density residential and/or office land uses or major roadways where alternative modes of transportation are available to support the increased residential densities.”

It will not be a “transition” to a higher density residential area, office space, or a major roadway. It will be the more intensive and highest-density use. It would allow development that would dwarf the other residential use areas in both size and (with one 3.68 acre exception) density. Furthermore, the area has no access to public or other alternative modes of transportation, and has no nearby shopping or services to support the high-density use.

In sum, the proposal to designate Site E as Urban Residential, and apply R-4 zoning, is not only incompatible with the predominant surrounding land use, but is inconsistent with the City’s own Land Use Policies.

Finally, staff has relied heavily on more general, aspirational goals of planning (e.g., compact and orderly development, efficiently provide for urban infrastructure, mix of residential densities) to support its recommendation. Those general goals can not be used to supersede or circumvent the specific policies and standards applicable to the Urban Residential land use designation. As discussed, Policy 2.2.23 is specific and unambiguous that Urban Residential is not to be approved “within the interior of an existing neighborhood.” The inconsistency of the Applicant’s proposal with Policy 2.2.23 is not fairly debatable. Thus, the comprehensive plan amendment PCM201702 must be denied.

3. The staff’s reliance on the existence of residential “enclaves” from the dominant single family residential use of the surrounding neighborhood (1.06 DU/acre up to 3.55 DU/acre) as justification for the redesignation of the open-space/residential Site E is misplaced. Despite their density being greater than the surrounding neighborhoods, those “enclaves” were, from the initial development of Killearn Estates, ALWAYS residential. Anyone buying a house in the area knew that they would be bounded by residential property, and their home investment would have been valued accordingly. To the contrary, Site E has NEVER been residential. It was, since the inception of Killearn Estates, to be open-space/recreational in nature.

Every expression of the intended designated use of the property, from the approved subdivision plat to the Comprehensive Plan and to the Plan’s Future Land Use Map, committed to its existence as open-space/recreational. While keeping the

North Course open would have been the desired result, open-space/ recreational also includes other forms of passive and active recreation that are not dependent on the operation of a golf course. See Policy 2.2.16. The property should be limited to those uses.

4. We also understand that various “residential enclaves” in the area that exceed the 3.6 acre DU/acre allowed under the Residential Preservation designation (Policy 2.2.3(g)) (most, by area, from 4.36 to 4.81 DU/acre) are to be similarly designated a Urban Residential, with their not having been done so previously being the result, in the words of the planning director, of the City’s “carelessness.” While we have no doubt that the planning staff was previously careless, the City’s carelessness should not be a basis for justifying the elimination of the long-standing open-space/residential designation of Unit E.

5. The Environmental Analysis mischaracterizes the proposed activity on the site as “redevelopment.” While technically correct (i.e., the property was originally “developed” as open-space/recreational), the proposal will allow for the first development that abandons the open-space aesthetic environments that have existed since the filing of the original subdivision plat and allows for construction of impervious areas.

6. The Environmental Analysis also mischaracterizes and soft-pedals the stormwater impacts that would reasonably result from high-density development of the severely sloped property. The statement that “future development” will be required to meet the stormwater post-development rule which requires that “new development stormwater must be less than or equal to that of pre-construction” fails to acknowledge the language in Land Development Code Sec. 5-86(a) that allows for potentially significant off-site impacts” so long as they are “managed by appropriate measures in accordance with the requirements of this section.”

Treatment volumes are established in 5-86(c), and do not account for large storms (those with more than 1.5 inches of runoff for wet detention, 0.75 inch runoff for off-line retention).

More importantly, the predevelopment/post-development rate limit is only applicable to the 25-year or less storm (5-86(d)(1) and 5-86(5) b.) In that regard, the Code provides that “[o]n-site peak development stormwater discharge rates shall not exceed the peak predevelopment discharge rates . . . up to and including the 25-year storm period.” It is that level of service standard that is used to set facility capacity and post-development system demand. For larger storms up to the 100-year storm (which despite its name is not infrequent) the stormwater management system standards only require that there be “[n]o flood water in new and existing buildings,” and allow for “overland flow capacity available for all flow in excess of capacity of underground and open channel conveyance systems.” Thus, the property owners downgradient from the severely sloped Site E will bear the brunt of large storm runoff from the allowed high-density/highly impervious development regardless of whether future development of the open-space/recreational property is done “in accordance with the requirements of [sec. 5-86].”

Furthermore, and as set forth in our December 7, 2016 correspondence, the City just completed millions of dollars in taxpayer-funded stormwater improvements to address existing stormwater problems from the area in its predevelopment condition. The high-intensity development of Site E will jeopardize the City’s investment as surely as it jeopardizes the investment of the citizens and taxpayers in the area.

7. The degree to which staff has relied upon the Applicant’s statements to justify approval is unwarranted. Statements regarding the use of the land as an “age-restricted housing complex,” are not in any way enforceable. The Applicant is proposing to sell the site, so the Applicant is NOT the developer, and his statement should have no effect. Likewise, staff’s reference to the Killearn Homes Association Mediated Non-Binding Settlement Agreement is in complete contravention of the intent of that so-called agreement, and should be disregarded in its entirety. In that regard, the KHA sent a letter, dated December 9, 2016, to that effect, and appeared at the January 23 open house to restate that the “agreement” was to have no effect on this proceeding, despite the Applicant’s efforts to convince staff otherwise.

The staff report in this matter made every possible inference in the Applicant's favor, while disregarding legitimate concerns of the affected property owners. The extent to which staff bent over backwards to accommodate the Applicant is astonishing. What that suggests is that the Applicant's lobbyists earned their money. How one can honestly conclude that the "bullseye" of the property in the center of Killearn Estates is "on the edge" of Killearn Estates is confounding. It is bureaucratic gymnastics at its worst, and is the type of action that breeds cynicism in government. It is our hope that the planning commission will see through this obvious artifice, apply Policy 2.2.23 as it is meant to be applied to PROTECT the interior of existing neighborhoods rather than sacrificing them due to fear or expediency, and recommend denial of this incompatible proposal.

We purchased our home in reliance on the City's commitment as expressed in the Comprehensive Plan and FLUM. Since we purchased our home, we have continued to invest in its upkeep, maintenance, and improvement, as would any responsible property owner. The Applicant, since his purchase of the Killearn Golf Club, leased the property and has extracted money from the Club for the last 20 years. During that time there was not a dime spent on any meaningful improvements, with even routine maintenance being spotty at best. Now that structures have been allowed to deteriorate under the Applicant's watch, the Applicant wants the City to reward him for his mismanagement by redesignating his land for incompatible high-density development -- thereby allowing him to extract more money from the course, and enhance the value of his remaining properties by his (promised) new clubhouse -- and in so doing diminish the value of the investments made by Tallahassee home-owning and tax-paying citizens.

Perhaps, if this proposal is denied, as it should be, the Applicant will act as a responsible land and business owner and invest his funds in maintaining and improving his investment. In any event, the City should not abandon its commitment to its citizens by giving the Applicant the gift of a wind-fall upzoning of the historically open-space land. Thus, Proposed Comprehensive Plan Amendment PCM201702 should be DENIED.

Thank you for your attention to this issue. We look forward to continued participation in the comprehensive plan and zoning process.

Sincerely,
Gary and Kristin Early

cc: Mayor Andrew Gillum
Commissioner Nancy Miller
Commissioner Gil Ziffer
Commissioner Curtis Richardson
Commissioner Scott Maddox

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, December 07, 2016 10:28:06 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: egearly@gmail.com [<mailto:egearly@gmail.com>]
Sent: Wednesday, December 07, 2016 10:20 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn County Club / PCM201702

Name: Gary & Kristin Early

Street Address: 5009 Kenmare Court

City: Tallahassee

State: Florida

Zip: 32309

Email Address: egearly@gmail.com

Comments: December 7, 2016 Dear Planning Commissioners and staff, We are residents of Tallahassee, having lived here collectively for more than 60 years. We live on the 8th hole of the Killearn C.C. North Course. We are therefore directly affected by Barton N. Tuck, Jr.'s desire to radically amend the City/County Comprehensive Plan for the 35 acre "Recreation/Open Space" parcel abutting our home to the entirely incompatible "Urban Residential" designation. We purchased what we intended to be our last home in October, 2011. When we were searching for our home, we were looking for a location with openness and natural beauty. When we discovered our home, we paid a premium price, well in excess of what we would have paid for a home elsewhere in Killearn, to live on the Killearn Golf Course. We understand (now) that there was no guarantee that the golf course would operate

in perpetuity -- though given that Killearn is the most stable and well-known course in Tallahassee, that was our general hope and expectation. However, regardless of whether the course was open, we understood - and relied on - the City and County's commitment to us as citizens that we could expect the land adjacent to our home would remain recreation/open space as established in the Comprehensive Plan. The Killearn neighborhoods around N. Shamrock, Kenmare Ct., O'Brien Dr., and Kilmartin Dr. are among the most stable in Tallahassee. There have been no changes in surrounding land uses that might warrant a dramatic change as proposed by Mr. Tuck. This is not a case in which more dense land uses have gradually encroached on recreation and open spaces, thereby diminishing their open space use and value. Rather, the request is a naked attempt by Mr. Tuck -- who purchased the property knowing its comprehensive plan and zoning designations -- to disregard the property interests of those who relied on the City and County's promise as reflected in the comprehensive plan, zoning, and approval of the Killearn subdivision plats, and to maximize the value of his investment through the diminishment of ours and our neighbors'. Mr. Tuck does not want to invest some of his own fortune to improve his golf course, which went to seed under his ownership. Rather, he wants to sell the open space property, use the proceeds to enhance the value of the remainder of his holdings, build a grossly incompatible development, and by so doing disrupt and devalue the economics and aesthetics of the surrounding homeowner's investments. Section 163.3161(4), which establishes the intent and purpose of comprehensive planning, provides that: It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions. The Vision Statement and Implementation section of the Comprehensive Plan stresses that "[t]he community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County," and that "[t]he purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens." The proposal by Mr. Tuck would sacrifice the beneficial goals of comprehensive planning and the numerous homeowners who relied on the City and County's actions for the profit of one absentee property owner. That Mr. Tuck purchased the property knowing full well the limitations and restrictions on its use should not be overlooked or disregarded by City and County officials. We understand that the Planning Commission staff will be reviewing issues of traffic, stormwater, school infrastructure and the like in its evaluation. We trust that the staff will recognize the impacts on transportation and stormwater infrastructure of converting 35 acres of recreation and open space land to a dense, largely impervious development as would be allowed by the development of up to 350 living units (or even the 210 units that would be allowed under RP-2 zoning). A simple attempt to negotiate the roundabouts in the area at certain times of day will show the folly of adding hundreds and hundreds of additional cars to the traffic load. In addition, I reminded the planning staff during the November 17, 2016 open house that the City recently spent several million dollars in stormwater improvements on N. Shamrock, a City investment that would be as certainly jeopardized by Mr. Tuck's proposal as the surrounding homeowners' investments. In short, it is our hope as citizens of the City of Tallahassee and Leon County that our elected officials and their staff will protect

the interests of those who have relied upon the word of the City and County as reflected in its comprehensive plan, and reject the call by Mr. Tuck to approve his incompatible and damaging proposal. We look forward to continued participation in the comprehensive plan and zoning process, and would very much like to speak with you in person if possible. Sincerely Gary and Kristin Early (Our street address is confidential pursuant to section 119.071(4)(d)2.e., Fla. Stat., but we will be happy to provide it to you if necessary) P.S. - Last night, I attended the Killearn Homeowners' Association meeting. The issue of the "non-binding mediation agreement" was raised. During the November 17 open house, it was clear that planning staff took that letter as an expression of the KHA's agreement with Mr. Tuck's proposal. The KHA Board affirmed that the letter was to have NO effect, and their counsel was instructed to provide the City with a letter confirming its lack of effect or agreement. The fact that Mr. Tuck obviously provided the letter to staff, likely waving it like a victory flag, should give you a sense of the nature of the homeowners' dealings with him. He is, depending on his audience, willing to bully, cajole, flatter, or prevaricate to achieve his ends. We ask that you not allow this out-of-state developer to use his considerable and well-funded lobbying effort to ram his incompatible change in land use through the City to the detriment of your fellow Tallahasseeans.

From: [Singleton, Lauren](#)
To: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#); [Wilcox, Barry](#)
Subject: FW: Gary Early RE: Killearn CC comp. plan and rezoning proposal
Date: Monday, January 23, 2017 7:47:09 AM

Please see the email below.

Lauren Singleton
Senior Executive Assistant
City of Tallahassee
300 S. Adams Street
Tallahassee, FL 32301
850.891.8328

From: Whitaker, Angie **On Behalf Of** Gillum, Andrew
Sent: Sunday, January 22, 2017 1:59 PM
To: 'Gary Early'
Cc: Early Kristin Gmail; Preserve Killearn; Tedder, Wayne; Van Pelt, Jamerson
Subject: Gary Early RE: Killearn CC comp. plan and rezoning proposal

Peace unto you Gary and Kristin Early,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

The time is nigh to get going ~ RIG Coach Angie Whitaker

From: Gary Early [<mailto:egearly@gmail.com>]
Sent: Thursday, January 19, 2017 11:37 AM
To: Gillum, Andrew
Cc: Early Kristin Gmail; Preserve Killearn
Subject: Killearn CC comp. plan and rezoning proposal

January 19, 2017

Re: Killearn Country Club Comprehensive Plan - PCM201702

Dear Mayor Gillum;

We wrote to you on December 7, 2016, to express our concern and opposition to

Barton N. Tuck, Jr.'s desire to amend the City/County Comprehensive Plan for the 35 acre "Recreation/Open Space" parcel abutting our home on Kenmare Court to the entirely incompatible "Urban Residential" designation. We write now, as the decision-making process nears its conclusion, to reaffirm our position on the issue.

As we stated earlier, the Vision Statement and Implementation section of the City's Comprehensive plan stresses that "[t]he community relies upon the comprehensive plan." We certainly did so when we purchased our home in October, 2011. We intentionally purchased our home based on its location with openness and natural beauty, and paid a price for that amenity. There have been no changes in many years to the land use in the surrounding area that would suggest a change was warranted or imminent.

We do not buy into the adage that "government is the problem," i.e., that government merely gets in the way of progress. Rather, we understand the meaningful role that our government, at all levels, plays in the protection of the values of the community that it serves, and not just the interests of those with the money and lobbying teams. As such, we understood -- and relied on -- the City's commitment to us as citizens that we could expect the land adjacent to our home would remain recreation/open space as established in the Comprehensive Plan.

We recently received a request from Killearn Country Club asking for support of "Mr. Tuck's plan" (as though the Club is NOT Mr. Tuck) so that the members could get "a new facility for you and your friends to enjoy." That Mr. Tuck has to buy "support" with the shiny bauble of a new clubhouse shows the lack of inherent merit in his proposal. The suggestion that Mr. Tuck will be "giving" the proceeds of the sale of the north course properties to the Club for its new clubhouse neglects the fact that the new clubhouse will be an additional asset in his ledger. The sale of the course will ultimately enhance his investment, and line his pocket. Mr. Tuck, who purchased the property knowing full well its comprehensive plan and zoning designations, does not want to invest his own fortune to improve and enhance the value of his golf course. Rather, he wants, in effect, to subsidize his investment through the diminution in value of ours.

The proposal by Mr. Tuck would sacrifice the beneficial goals of comprehensive planning, and the reasonable reliance of the numerous homeowners who relied on the City's actions, for the profit of one absentee property owner. It remains our hope that our elected officials and their staff will protect those who have relied upon the word of the City as reflected in its comprehensive plan, and reject the call by Mr. Tuck to approve his incompatible and damaging proposal.

Thank you for your attention to this issue. We look forward to continued participation in the comprehensive plan and zoning process.

Sincerely
Gary and Kristin Early

From: egearly@gmail.com
To: [Perrine, Beth](#)
Cc: Jay.Schuck@talgov.com; [Haley, Jiwuan](#)
Subject: Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 12:28:33 PM

Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission

Project Name/Number: PCM 201702 - Barton Tuck - Killearn

Name: Gary & Kristin Early

Street Address: 5009 Kenmare Court

City: Tallahassee

State: Florida

Zip: 32309

Email Address: egearly@gmail.com

Comments: We have submitted written comments and provided comments at each step of the planning commission process. It is difficult to continue in the face of the grinding efficiency of Mr. Tuck's well paid lawyers and consultants, who continue to produce pretty pictures in support of his poorly conceived proposal. The fact that they were given more than a half hour to present their skewed and misleading presentation, and the opportunity to reply to comments, while those who are adversely affected got 3 minutes was not overlooked. However, the stakes are too important to give up. I could go over, again, the policy and equitable arguments that call for the rejection of the amendment. Allow me to focus on this - the amendment is absolutely contrary and inconsistent with policy 2.2.23. Period. No nuanced argument advanced by Mr. Tuck and his lawyers can overcome the FACT that Site E is directly in the middle of the Killearn neighborhood. So, as I said at the Feb. 7 meeting, if it is the planning commission's intent to tell Tallahassee citizens that out of state money can trump citizen's rights, then vote for the amendment. However, if you want to pay more than lip service to Tallahassee's comp plan, then vote to deny Mr. Tuck's inconsistent, incompatible, and illegal proposal. Thank you. - Gary & Kristin Early

December 7, 2016

Re: Killearn Country Club Comprehensive Plan - PCM201702

Dear County Commissioners;

We are residents of Tallahassee, having lived here collectively for more than 60 years. We live on the 8th hole of the Killearn C.C. North Course. We are therefore directly affected by Barton N. Tuck, Jr.'s desire to radically amend the City/County Comprehensive Plan for the 35 acre "Recreation/Open Space" parcel abutting our home to the entirely incompatible "Urban Residential" designation.

We purchased what we intended to be our last home in October, 2011. When we were searching for our home, we were looking for a location with openness and natural beauty. When we discovered our home, we paid a premium price, well in excess of what we would have paid for a home elsewhere in Killearn, to live on the Killearn Golf Course. We understand (now) that there was no guarantee that the golf course would operate in perpetuity -- though given that Killearn is the most stable and well-known course in Tallahassee, that was our general hope and expectation. However, regardless of whether the course was open, we understood - and relied on - the City and County's commitment to us as citizens that we could expect the land adjacent to our home would remain recreation/open space as established in the Comprehensive Plan.

The Killearn neighborhoods around N. Shamrock, Kenmare Ct., O'Brien Dr., and Kilmartin Dr. are among the most stable in Tallahassee. There have been no changes in surrounding land uses that might warrant a dramatic change as proposed by Mr. Tuck. This is not a case in which more dense land uses have gradually encroached on recreation and open spaces, thereby diminishing their open space use and value. Rather, the request is a naked attempt by Mr. Tuck -- who purchased the property knowing its comprehensive plan and zoning designations -- to disregard the property interests of those who relied on the City and County's promise as reflected in its comprehensive plan, its zoning, and its approval of the Killearn subdivision plats, and to maximize the value of his investment through the diminishment of ours and our neighbors'. Mr. Tuck does not want to invest some of his own fortune to improve his golf course, which went to seed under his ownership. Rather, he wants to sell the open space property, use the proceeds to enhance the value of the remainder of his holdings, build a grossly incompatible development, and by so doing disrupt and devalue the economics and aesthetics of the surrounding homeowner's investments.

Section 163.3161(4), which establishes the intent and purpose of comprehensive planning, provides that:

It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land

within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

The Vision Statement and Implementation section of the City's Comprehensive plan stresses that "[t]he community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County," and that "[t]he purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens."

The proposal by Mr. Tuck would sacrifice the beneficial goals of comprehensive planning and the numerous homeowners who relied on the City's actions for the profit of one absentee property owner. That Mr. Tuck purchased the property knowing full well the limitations and restrictions on its use should not be overlooked or disregarded by City officials.

We understand that the City planning staff will be reviewing issues of traffic, stormwater, school infrastructure and the like in its evaluation. We trust that the City staff will recognize the impacts on transportation and stormwater infrastructure of converting 35 acres of open space land to a dense, largely impervious development as would be allowed by the development of up to 350 living units (or even the 210 units that would be allowed under RP-2 zoning). A simple attempt to negotiate the roundabouts in the area at certain times of day will show the folly of adding hundreds and hundreds of additional cars to the traffic load. In addition, I reminded the planning staff during the November 17, 2016 open house that the City recently spent several million dollars in stormwater improvements on N. Shamrock, a City investment that would be as certainly jeopardized by Mr. Tuck's proposal as the surrounding homeowners' investments.

In short, it is our hope as citizens of the City of Tallahassee that our elected officials and their staff will protect the interests of those who have relied upon the word of the City as reflected in its comprehensive plan, and reject the call by Mr. Tuck to approve his incompatible and damaging proposal.

We look forward to continued participation in the comprehensive plan and zoning process, and would very much like to speak with you in person if possible.

Sincerely
Gary and Kristin Early

(Our street address is confidential pursuant to section 119.071(4)(d)2.e., Fla. Stat., but we will be happy to provide it to you if necessary)

P.S. - Last night, I attended the Killearn Homeowners' Association meeting. The issue of the "non-binding mediation agreement" was raised. During the November 17 open house, it was clear that planning staff took that letter as an expression of the KHA's agreement with Mr. Tuck's proposal. The KHA Board affirmed that the letter was to have NO effect, and their counsel was instructed to provide the City with a letter confirming its lack of effect or agreement. The fact that Mr. Tuck obviously provided the letter to staff, likely waving it like a victory flag, should give you a sense of the nature of the homeowners' dealings with him. He is, depending on his audience, willing to bully, cajole, flatter, or prevaricate to achieve his ends. We ask that you not allow this out-of-state developer to use his considerable and well-funded lobbying effort to ram his incompatible change in land use through the City to the detriment of your fellow Tallahasseeans.

From: Silvia.Alderman@akerman.com
To: Wilcox, Barry
Cc: egearly@gmail.com; Calhoun, Sherri
Subject: Re: Killearn Country Club Comprehensive Plan - PCM201702
Date: Friday, January 27, 2017 4:17:52 PM
Attachments: [image001.png](#)

Thanks!

On Jan 27, 2017, at 2:06 PM, Wilcox, Barry <Barry.Wilcox@talgov.com> wrote:

Yes

Barry Wilcox, AICP, LEED ND AP

Division Manager

Tallahassee-Leon County Planning Dept.

Comprehensive Planning & Urban Design

850.891.6400 • barry.wilcox@talgov.com

<image001.png>

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

From: Silvia.Alderman@akerman.com [<mailto:Silvia.Alderman@akerman.com>]
Sent: Friday, January 27, 2017 8:17 AM
To: Wilcox, Barry
Cc: egearly@gmail.com; Calhoun, Sherri
Subject: Fwd: Killearn Country Club Comprehensive Plan - PCM201702

Barry and Sherri, see below. Can you make sure the public comments such as this get in the Commission packets?

Begin forwarded message:

From: Gary Early <egearly@gmail.com>
Date: January 27, 2017 at 7:56:46 AM EST
To: Silvia.Alderman@akerman.com
Subject: Re: Killearn Country Club Comprehensive Plan - PCM201702

Well, since I guess I could be considered to be quasi-executive, everything is represented. Obviously I would like the commissioners to have had an opportunity to review my letter, since its length would preclude any meaningful review at the public hearing. Is there anything I need to do to make sure they can have it as part of

their materials? -- Gary

On Thu, Jan 26, 2017 at 7:50 PM,
<Silvia.Alderman@akerman.com> wrote:

Thanks, Gary. While the Comp Plan is quasi-legislative, the corresponding rezoning is quasi-judicial. As such, we follow ex parte prohibitions on communication for those that are going through both processes. The commissioners will forward any such materials received inadvertently by folks who are not familiar with the bylaws to the Planning Department, which will put them up on the website for the applicant and the public to review, as curative measure. Any information you want them to see, staff will provide to the commissioners as part of their package or you can provide them copies at the meeting.

Silvia Morell Alderman

Board Certified by the Florida Bar in State & Federal Government and Administrative Practice

Akerman LLP | Suite 1200 | 106 East College Avenue | Tallahassee, FL 32301

Dir: [850.425.1627](tel:850.425.1627) | Main: [850.224.9634](tel:850.224.9634) | Fax: [850.325.2527](tel:850.325.2527)

silvia.alderman@akerman.com

From: Gary Early [mailto:egearly@gmail.com]

Sent: Thursday, January 26, 2017 3:06 PM

To: Alderman, Silvia (Ptnr-Tlh)

Subject: Killearn Country Club Comprehensive Plan - PCM201702

Hi Silvia. I see you have the joy of being the Planning Commission counsel. Imagine with Killearn and Myers Park, you've been busy! I have been involved - personally as opposed to a part of a group - in the Killearn comp. plan amendment. Attached is a letter that I sent today to each of the Commissioners. I hope you'll review it as well. I hope you're doing well, and expect I'll see you on Feb. 7. -- Gary Early

[vCard](#) | [Bio](#)



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From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 4:52:42 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: ginob0@yahoo.com [mailto:ginob0@yahoo.com]
Sent: Monday, February 13, 2017 4:50 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702: Killlearn Country Club

Name: Giovanni Betta

Street Address: 3034 Fermanagh Dr

City: Tallahassee

State: FL

Zip: 32309

Email Address: ginob0@yahoo.com

Comments: I live close to the proposed rezoned areas and on the golf course. I 100% support the proposed amendment for both the Comp plan and the rezoning. The proposed rezoning is consistent with the properties that are adjacent to the parcels. You also must remember, that the proposed site also used to house a hotel roughly with about 50 rooms. Any traffic and storm water issues are easily mitigated or within the current allocations relating to the former hotel. This proposed redevelopment of the neighborhood will greatly enhance the values of all surrounding properties and will also increase the tax base of the city and county, which helps schools and infrastructure countywide.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, February 15, 2017 8:43:56 AM

From: gmcase850@aol.com [mailto:gmcase850@aol.com]
Sent: Wednesday, February 15, 2017 7:36 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 - Killearn Country Club

Name: Grete M Case

Street Address: 2971 Edenderry Dr

City: Tallahassee

State: FL

Zip: 32309

Email Address: gmcase850@aol.com

Comments: Dear Commissioners, Though I appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use

Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it. Please deny, sincerely, Grete Case

From: gunillatrull@gmail.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Thursday, December 15, 2016 8:23:34 PM

- **Amendment:** PCM201701 Map
- **First Name:** Gunilla
- **Last Name:** Trull
- **Street Address:** 1407 Fairway Dr.
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32301
- **Email Address:** gunillatrull@gmail.com
- **Comments:** The proposed rezoning to the parcel of city owned land next to the Parks and Recreation Office is in my opinion a bad idea. If one looks at the existing green space it will carve a large hole in city land going from Cascades Park, up by the pool and Rec. building, over to Myers Park and sweeping down over the Capital City Country Club (also owned by the city). In the future, it is quite possible to make all this green space into a giant park area like our own NY Central Park. Our city is growing. The former space occupied by the Easter Seal complex is currently unattractive, but here are suggestions for that small part of the property: 1. Make a proper staging/storage area for the maintenance of Cascades Park 2. Develop a satellite senior center. (Several Assisted Living facilities are under construction in town now and more activities are needed soon.) In closing, the thought that this private development will act as a noise stopper for the events at the park is ludicrous. No experts have been contacted and given input to that effect. Also, the streets surrounding the parks are already very congested and adding 100-120 residential units will make it horrific. The largest complex currently in Myers Park's Historical District is 12. Someone once said looking at bad architecture: "This is a crime against the People." Let's not have this happen here.

M

Harold Miller
4053 Kilmartin Dr.
Tallahassee, FL 32309-2862



Tallahassee - Leon County Planning Dpt
Attn: Comprehensive planning Division
300 South Adams St.
Tallahassee, FL 32301

32301\$1731 0004



Tallahassee, Florida 32301
Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 4053 Kilmartin Drive wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

please do not let any of these proposed changes
pass. please keep the golf course area just that or
SIGNED: Michelle Miller

just a green
space or
better yet
SELL!

TALLAHASSEE FL 323

14 NOV 2016 PM 3 T



TALLAHASSEE - LEON COUNTY PLANNING DEPT.
ATTN: COMPREHENSIVE PLANNING DIVISION
300 SOUTH ADAMS STREET
TALLAHASSEE, FLORIDA 32301

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3038 FEENEY COURT wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

PLEASE DO NOT CHANGE FROM CURRENT STATUS.

PLEASE KEEP AS RECREATION / OPEN SPACE FLUM.

SIGNED: Ja Middlebrooks Jr.

To: Mr. White and Mr. Wilcox, Tallahassee Planning Dept.

From: Mr. & Mrs. James Cosper, 520 Oakland Ave., Myers Park Neighborhood



Date: Jan. 23, 2017

Subject: Myers Park & Rec. Comp. Plan Proposed Amendment #PCM201706

We commend your staff for the extra time spent listening to our neighbors at the recent public meetings. For the record here are our comments. We are in the 100 residents closest to Cascades Park and the City Parks & Rec. and Neighborhood Affairs Offices.

The 2 parks and the Park & Rec. Office parcel (once a part of Myers Park) is too SMALL to be compared to Central Park in NYC. So what if this complex is bigger than the average Tallahassee park. So was the village of Anhika a part of the foundation for this being the only historic district in our City and the first neighborhood area. **If this is Tallahassee's premier park area it deserves to be bigger.** The facilities that support the Cascades entertainment park should have been considered in the original planning. Perhaps it was logical that they be adjacent. If the buildings in the P&R Office parcel look industrial the City is responsible and can update or remove them for the sake of meeting codes, if that is most important. Many nonconforming uses are found in the old sections of town - that happens with growth and changing regulations. We understand your infill directive, but the City also has a **directive not to divest in-use properties and to keep this historic area zoned residential.**

As you saw neighbors are very concerned about losing the amenities of a voting place, community room, city wells, historic & uniquely beautiful trees and park offices which we feel are appropriately located. It seems some would prefer to relocate those to commercial/industrial areas - but we cannot talk about that only your recommended proposal to commercialize our historic district. We oppose the Comprehensive Plan Amendment and rezoning because it is an unnecessary step toward breaking up the park complex and selling off the 9+ acre in-use Park and Recreation and Neighborhood Affairs Office anchor. It is hoped you have all your best professional planners assessing this.

It would be preferred to see a Plan/RFP that improves the recreational use of the small vacant part of the parcel and perhaps other buildings to assist the Myers Park Summer Camp and provide areas for youth activities that increase the utility of Cascades and Myers Parks. Sound issues can be controlled by enforced limits of decibel levels at the amphitheater. **If some people want new townhouses near the parks there are residential lots and commercial lots already available.** As our surveys pointed out many people visiting this park complex of 2 parks and the Office and support parcel do not live nearby. This complex is not big like Central Park but **keep it together for a better future, please. Keep our public in-use land public and our only historic district preserved as intended.**

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 12:29:25 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: atsf22@outlook.com [mailto:atsf22@outlook.com]
Sent: Tuesday, February 14, 2017 10:03 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 - Killearn Country Club

Name: James Francis

Street Address: 4048 McLaughlin Drive

City: Tallahassee

State: Florida

Zip: 32309

Email Address: atsf22@outlook.com

Comments: Though I appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT

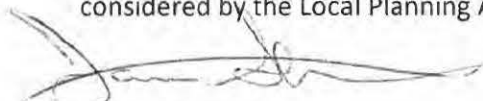
ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it.

Barry Wilcox, Planners and Staff
City of Tallahassee
Planning Department

December 19, 2016

RE: Amendment PCM201702

I James Stockwell owner of property at 4058 Kilmartin Drive wish the information below to be considered by the Local Planning Agency and the City/County Commissions.



James Stockwell

The filing of a request by Mr. Barton Tuck Jr to change the Future Land Use Map (FLUM) and the concurrent rezoning application is unacceptable to me and many Killearn property owners. Strong, sincere and appropriate opposition was expressed by the majority of those attending the, Tuesday, November 15 meeting of homeowners invited by the Killearn Homeowners Association. Unfortunately no minutes of the meeting were forthcoming and, no subsequent Killearn Homeowners Association communications addressed the overwhelming consensus for a total No- compromise position.

Given the lack of any accurate recording, publication and verbal denials by some of the meeting's attendees, I present the following bullet points as a true and honest summary. I would add, that it was apparent that the Board members in attendance and the attorneys were able to hear questions and comments from the audience as they responded and participated in dialogue with the property owners. The atmosphere was largely conducive to dialogue although tough questions were asked and very justified property owner dissatisfaction was evident.

KILLEARN HOMEOWNERS MEETING: November 15, 2016 Killearn United Methodist Church

Summary: Overwhelmingly, the Killearn property owners present at the November 15 Homeowners Association meeting expressed strong opposition to Barton Tuck Jr.'s requested amendment to the Future Land Use Map Designation and to and to the entire proposed rezoning. For many valid reasons, any compromise was not deemed acceptable. One aspect of the No- compromise position was a fully functioning and well maintained 27 hole golf course. This was to be achieved by restoration of the North Course (The Narrows).

Important and correct points made by the property owners during the meeting included:

- Owners purchased their property in a Planned Unit Development, recreational community. Purchasers of homes in PUD communities often do so to obtain residency in the type of community they desire, to enjoy protective restrictions and amenities in keeping with their leisure interests.
- All purchasers of Killearn lots were assured, at all sales presentations, that they were purchasing in a 27 hole golf course community.
- Those purchasing property on the golf course were assured of a 27 hole golf course and a golf course view.

- The strongly held opinion of the members present was that the entire Killearn community would be damaged by any changes to the 27 hole golf course property and parcels.
- While the golf course owners would suffer the greatest decrease in property values, all homeowners in Killearn would suffer decreased property value.
- The beauty, character and limited neighborhood access are threatened by any changes to the 27 hole golf course, any development and the certain increased traffic deep within the neighborhood. The properties abutting the Country Club are very quiet, residential.
- There was much concern expressed for Mr. Tuck's debt status and to what entity such debt might be assigned. Debt burden could compromise his ability to improve the Killearn Country Club structures and amenities.
- It was noted that verbal guarantees, which have and will be given, are totally unreliable and may not be legally binding.
- North Course owners noted that their greatly enjoyed golf course view was denied by Mr. Tucks closing of the North Course without any regard for their enjoyment, best interests and Future Land Use designations.
- A neglected property or a conservancy is not a golf course view.
- The reality of increased traffic was unacceptable.
- Drainage problems were discussed at length.
- Tree Harbor property owners expressed specific concerns about more traffic cutting through the neighborhood. This was noted as already being a significant problem. Also, the development of serious drainage problems within the neighborhood given the low elevation when compared to the large parcel to be developed (parcel E). Finally the adverse effect on the abutting lake water quality and health was noted as a serious reality.
- Questions were raised as to why mainly North Course owners were invited and not all Killearn Homeowners Association members.
- Questions were raised as to why the association entered into any type of compromise agreement without appropriate polling of property owners or any notification of such a consideration.
- Questions were asked as to why the Killearn Homeowners Association had not circulated the signed compromise document; even if non binding.
- Legal counsel confirmed that the owner had taken significant monthly funds from the Killearn Country Club revenue; said to be \$60,000 per month.
- Club members noted Country Club deteriorations for years and that deterioration continues.
- The above concerns and opinions were also held by many of the owners on or near the currently functioning 18 hole course.

The no compromise position was further quite evident at the November 17 Planning Commission Meeting concerning PCM201702. I have reviewed the comments submitted to the planning department as of November 30, 2016. The no compromise position by many, many is convincingly present in those communications.

The No- compromise position is shared by property owners throughout Killearn, not just those abutting the requested changes. These property owners are mature, thoughtful and intelligent individuals who have spent time and effort to review the proposed adverse changes to their Killearn neighborhood.

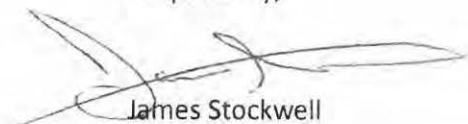
They too have credibility as individuals of fine character, accomplishment and all the associated attributes.

There seems to be disagreement as to whether property values would decrease. My question is, why should the homeowners of Killearn be subjected to such risk? On the other hand, if the proposed land is developed; profits are sure to be forthcoming to the owner.

I, like many to the concerned Killearn Estates property owners, understand the process concerning planning and rezoning requests as well as the responsibilities of the planning department. Those responsibilities protect the rights of all property owners and neighborhood integrity. The Vision Statement of the Comprehensive Plan clearly states: "The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected" ... "Unwise land use decisions and premature non-residential development in residential areas can seriously and permanently alter the character of a neighborhood." Any change to the Future Land Use Map and any rezoning will, without any doubt adversely change Killearn Estates neighborhood's inherent beauty and degrade the amenities originally marketed to purchasers.

I urge the Planning Department to issue a "No" on PCM201702 concerning the proposed amendment to the FULM and the concurrent rezoning application.

Respectfully,



James Stockwell

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn
Date: Friday, January 20, 2017 5:46:45 PM
Attachments: [Barry Wilcox City of Tallahassee.docx](#)
[Mr.docx](#)
[Good morning Mr.docx](#)
[Dear Commissioner Miller.docx](#)

Please put in the record. You may already have these.

From: James Stockwell [mailto:jstocktally@gmail.com]
Sent: Wednesday, January 18, 2017 3:01 PM
To: Walker, Barbara <BWalker@parkscrump.com>; Williams-Cox, Diane <dwmscox@gmail.com>; edmondgroup.tde@mail.com; keith@dantinconsultingllc.com; Deyle, Robert <rdeyle@fsu.edu>; Wilcox, Barry <Barry.Wilcox@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Snyder, Russell <Dwayne.Snyder@talgov.com>; pmadden@jacksonville.nef.com; Proctor, Stewart <stewart@structureiq.net>
Subject: Killearn

Good afternoon,

I have attached some of my communications to the Planning Department concerning the proposed FLUM amendments and request for rezoning. I would appreciate your review prior to the January 19 Planning Agency Workshop. Similar information will be provided to the City and County Commissioners, the Mayor and the County Administrator as well as other interested parties.

I and many other Kilearn residents are strongly opposed to any amendments to the FLUM and the entire rezoning request. You may want to also review the citizen communications sent to the planning department. As of December 3rd, forty-five were opposed to any changes and 12 in favor. Also, in various official meetings, the overwhelming will was a, "No Compromise" position.

Killearn property owners are fighting for the preservation of their beautiful, residential neighborhood and the promised amenities.

Please attend this the upcoming Workshop which is critical in the process of stopping premature and **un**needed development in an established fine neighborhood and, clearly, very out of step with the Comprehensive Plan's Vision Statement.

Thank you for you service to our community.

Respectfully,

James Stockwell, M.D.

Amendment CM20A1702

I James Stockwell, M.D. of property at 4058 Kilmartin Dr. wish the information below to be considered by the Local Planning Agency and City/County Commissions.

Flum Amendment, requested changes.

I am strongly object to any changes to the Comprehensive Plans Future Land Use Map regarding the Killearn neighborhood

The proposed Palmetto Club Properties Limited Partnership changes are not supported by the Comprehensive Plan's Vision Statement and several of the Plans objectives and policies. Compliance is the issue. It is unfortunate that other considerations, issues and promises have assumed undeserved consideration. A motion was made at the, February 7, Planning Commission Public hearing to deny the request based on a very thoughtful review of the Comprehensive Plan. The motion did not receive a second.

Clearly the proposed changes are conflict with the vision statement which states:

"...Warns against seriously and permanently altering the character of neighborhoods by unwise land use decisions".

"...Further the intent of the plan is to maintain the integrity of EXISTING neighborhoods while encouraging NEW residential neighborhoods to incorporate a wider range of services".

The existing harmonious and beautiful Killearn community has already successfully complied with the goals of the comprehensive plan.

Objective 2, Policy 2.2. Land Use Element

"seek to maintain a viable mix of available residential densities to accommodate a variety of housing types and choices.

Policy 2.2.23 Land Use Element

"...encourages medium density"

Objective 1.1 Mobility“...promotes vibrant communities with compact forms and a mixture of uses to minimize travel distances, reduce vehicle miles traveled and greenhouse gases and to enhance pedestrian and bicycle mobility”.

Prohibits urban designation development in established residential neighborhoods.

Killearn residents under the present Flum have already embraced and complied with the Comprehensive Plans Vision Statement and objectives. Killearn residents have been a longstanding example of cooperation, success and protection under Comprehensive Plan and the existing FLUM. Proposed amendments will be, “the straw that breaks the camel’s back” of a cohesive, harmonious and peaceful neighborhood.

Are we to believe that residents willing to make diversely developed communities work and thrive will later be called on to endure over development that destroys the integrity and beauty of their communities?

Are we to believe that the integrity of a wonderful neighborhood and a site deep in the neighborhood will be developed using the excuse of other higher density areas requiring rezoning for compliance.

That those communities will be at risk for unwise development

Why should the Killearn property owners be at any risk for?

Any decrease in their property values?

Why should those on the narrows assume a greater risk of loss of value?

Why should Killearn residents be a risk for analyses that could be in error?

Computer programs oft cited and the humans operating could be wrong. If off, increased traffic be 50 or 75% not 25%. Analysis generated by a Palmetto Club Properties Limited Partnership consultant.

Making Tyrone Circle a City Street is destructive to that area and feeds streets that are very residential, narrow with hills and curves. This speaks to the Vision Statements prohibition against, “constant assaults on a neighborhood” which damages integrity and degrade

Why should Killearn residents be at risk for unforeseen drainage problems?

Why should Killearn residents be at risk for zoning changes that put development in their back yard?

Many forward thinking are not against change. But change in keeping with the Comprehensive Plans and the FLUMs intent which protects them, their property and the fine neighborhood.

I urge you to vote No to the Palmetto Club Properties Limited Partnership's requests for amending the FLUM and zoning changes.

Respectfully submitted

James Stockwell, M.D.

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: FLUM, citizen, property owner input
Date: Tuesday, February 14, 2017 4:43:32 PM
Attachments: [Flum.docx](#)

Put in the record.

From: James Stockwell [mailto:jstocktally@gmail.com]
Sent: Tuesday, February 14, 2017 4:41 PM
To: Walker, Barbara <BWalker@parkscrump.com>; Williams-Cox, Diane <dwmscox@gmail.com>; Edmond, Timothy <edmondgroup.tde@gmail.com>; pmadden@jacksonville.nef.com; Proctor, Stewart <stewart@structureiq.net>; keith@dantinconsultingllc.com; Deyle, Robert <rdeyle@fsu.edu>; Wilcox, Barry <Barry.Wilcox@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Snyder, Russell <Dwayne.Snyder@talgov.com>
Subject: FLUM, citizen, property owner input

Good afternoon,

Tomorrow you will continue your review. of the proposed amendments to the FLUM and changes in zoning. These proposals by Palmetto Properties Partnership Limited are in clear and undeniable conflict with the Comprehensive Plan.

Please review the attachment.

Please vote NO to all aspects.

Respectfully,

James Stockwell, M.D.

Barry Wilcox, Planners and Staff
City of Tallahassee
Planning Department

December 19, 2016

RE: Amendment PCM201702

I James Stockwell owner of property at 4058 Kilmartin Drive wish the information below to be considered by the Local Planning Agency and the City/County Commissions.

James Stockwell

The filing of a request by Mr. Barton Tuck Jr to change the Future Land Use Map (FLUM) and the concurrent rezoning application is unacceptable to me and many Killearn property owners. Strong, sincere and appropriate opposition was expressed by the majority of those attending the, Tuesday, November 15 meeting of homeowners invited by the Killearn Homeowners Association. Unfortunately no minutes of the meeting were forthcoming and, no subsequent Killearn Homeowners Association communications addressed the overwhelming consensus for a total No- compromise position.

Given the lack of any accurate recording, publication and verbal denials by some of the meeting's attendees, I present the following bullet points as a true and honest summary. I would add, that it was apparent that the Board members in attendance and the attorneys were able to hear questions and comments from the audience as they responded and participated in dialogue with the property owners. The atmosphere was largely conducive to dialogue although tough questions were asked and very justified property owner dissatisfaction was evident.

KILLEARN HOMEOWNERS MEETING: November 15, 2016 Killearn United Methodist Church

Summary: Overwhelmingly, the Killearn property owners present at the November 15 Homeowners Association meeting expressed strong opposition to Barton Tuck Jr.'s requested amendment to the Future Land Use Map Designation and to and to the entire proposed rezoning. For many valid reasons, any compromise was not deemed acceptable. One aspect of the No- compromise position was a fully functioning and well maintained 27 hole golf course. This was to be achieved by restoration of the North Course (The Narrows).

Important and correct points made by the property owners during the meeting included:

- Owners purchased their property in a Planned Unit Development, recreational community. Purchasers of homes in PUD communities often do so to obtain residency in the type of community they desire, to enjoy protective restrictions and amenities in keeping with their leisure interests.
- All purchasers of Killearn lots were assured, at all sales presentations, that they were purchasing in a 27 hole golf course community.
- Those purchasing property on the golf course were assured of a 27 hole golf course and a golf course view.

- The strongly held opinion of the members present was that the entire Killearn community would be damaged by any changes to the 27 hole golf course property and parcels.
- While the golf course owners would suffer the greatest decrease in property values, all homeowners in Killearn would suffer decreased property value.
- The beauty, character and limited neighborhood access are threatened by any changes to the 27 hole golf course, any development and the certain increased traffic deep within the neighborhood. The properties abutting the Country Club are very quiet, residential.
- There was much concern expressed for Mr. Tuck's debt status and to what entity such debt might be assigned. Debt burden could compromise his ability to improve the Killearn Country Club structures and amenities.
- It was noted that verbal guarantees, which have and will be given, are totally unreliable and may not be legally binding.
- North Course owners noted that their greatly enjoyed golf course view was denied by Mr. Tucks closing of the North Course without any regard for their enjoyment, best interests and Future Land Use designations.
- A neglected property or a conservancy is not a golf course view.
- The reality of increased traffic was unacceptable.
- Drainage problems were discussed at length.
- Tree Harbor property owners expressed specific concerns about more traffic cutting through the neighborhood. This was noted as already being a significant problem. Also, the development of serious drainage problems within the neighborhood given the low elevation when compared to the large parcel to be developed (parcel E). Finally the adverse effect on the abutting lake water quality and health was noted as a serious reality.
- Questions were raised as to why mainly North Course owners were invited and not all Killearn Homeowners Association members.
- Questions were raised as to why the association entered into any type of compromise agreement without appropriate polling of property owners or any notification of such a consideration.
- Questions were asked as to why the Killearn Homeowners Association had not circulated the signed compromise document; even if non binding.
- Legal counsel confirmed that the owner had taken significant monthly funds from the Killearn Country Club revenue; said to be \$60,000 per month.
- Club members noted Country Club deteriorations for years and that deterioration continues.
- The above concerns and opinions were also held by many of the owners on or near the currently functioning 18 hole course.

The no compromise position was further quite evident at the November 17 Planning Commission Meeting concerning PCM201702. I have reviewed the comments submitted to the planning department as of November 30, 2016. The no compromise position by many, many is convincingly present in those communications.

The No- compromise position is shared by property owners throughout Killearn, not just those abutting the requested changes. These property owners are mature, thoughtful and intelligent individuals who have spent time and effort to review the proposed adverse changes to their Killearn neighborhood.

They too have credibility as individuals of fine character, accomplishment and all the associated attributes.

There seems to be disagreement as to whether property values would decrease. My question is, why should the homeowners of Killearn be subjected to such risk? On the other hand, if the proposed land is developed; profits are sure to be forthcoming to the owner.

I, like many to the concerned Killearn Estates property owners, understand the process concerning planning and rezoning requests as well as the responsibilities of the planning department. Those responsibilities protect the rights of all property owners and neighborhood integrity. The Vision Statement of the Comprehensive Plan clearly states: "The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected"... "Unwise land use decisions and premature non-residential development in residential areas can seriously and permanently alter the character of a neighborhood." Any change to the Future Land Use Map and any rezoning will, without any doubt adversely change Killearn Estates neighborhood's inherent beauty and degrade the amenities originally marketed to purchasers.

I urge the Planning Department to issue a "No" on PCM201702 concerning the proposed amendment to the FULM and the concurrent rezoning application.

Respectfully,

James Stockwell

,

Good morning Mr. White

I would like to provide further property owner and citizen input concerning the request of Barton Tuck, Jr. to change the Future Land Use Map and rezone within Killearn Estates. I have already submitted a document to the planning department which highlights the No-compromise position of many, many property owners and which includes the continuance of a 27 hole golf course. I would appreciate your careful review of that submission.

I am communicating directly with you in order to highlight the fact that the proposed modification to the FLUM and rezoning request clearly violate the Comprehensive Plan Vision Statement. Some applicable quotes from the Vision Statement are:

“The natural environment is one of the many criteria which, when combined, form the community’s perceived quality of life”.

“The residential environment is also one of many criteria which form the community’s quality of life”.

“Unwise land use decisions and premature non-residential development in established residential areas can seriously and permanently alter the character of the neighborhood. Not only actual changes, but also the perception of constant assaults on a neighborhood undermines an otherwise desirable neighborhood”.

Essential to planning are objectives and policies that protect and enhance natural environment, water resources and the canopy roads and residential neighborhoods”.

“It is the intent of the plans to maintain the integrity of existing neighborhoods while encouraging new residential development to incorporate a broader range of residential services”.

The above, final quote raises the question of whether there is any need to approve amendments to the FLUM given the nearby Welaunee PUD which allows for low to high density residential, multi-family and significant development in Town Center and “Neighborhood”. The large Welaunee development will meet community needs for a variety of residential and commercial areas for many years. There is no need to prematurely, seriously and permanently alter the character of the Killearn neighborhood.

Upon questioning, the Urban Catalyst Consultants stated, “...developer proposes age restricted housing complex and residential”. The need for any additional age restricted housing in the city and county is quite open to question given several facilities that are soon to be opened. It would not seem in keeping with the Vision Statement to allow the amendments to the FLUM or rezoning request that would ...”seriously and permanently alter the character of the neighborhood”.

The Comprehensive Vision Statement clearly supports a No recommendation from the Planning Department and Comprehensive Plan review staff.

Respectfully,

James Stockwell

From: [Hodges, Stephen M](#)
To: [Wilcox, Barry](#); [White, Artie](#); [Thomas, Debra](#)
Cc: [Calhoun, Sherri](#)
Subject: FW: Killearn: amendments to FLUM and rezoning request.
Date: Thursday, December 29, 2016 8:41:23 AM
Attachments: [Barry Wilcox City of Tallahassee.docx](#)
[Good morning Mr.docx](#)
[Mr.docx](#)
Importance: High

FYI

From: Harris, LeTissa L. **On Behalf Of** Planning Inquiries
Sent: Thursday, December 29, 2016 8:17 AM
To: Hodges, Stephen M; White, Artie
Subject: FW: Killearn: amendments to FLUM and rezoning request.
Importance: High

FROM THE PLANNING INQUIRY EMAILS

From: James Stockwell [<mailto:jstocktally@gmail.com>]
Sent: Wednesday, December 28, 2016 10:28 AM
To: Planning Inquiries
Cc: jjtrend
Subject: Killearn: amendments to FLUM and rezoning request.

City of Tallahassee Planners:

I have attached communications that I previously delivered in hard copy form to the Planning Department. These attachments will provide an electronic format for ease of reference if they have not already been added to the citizen comments electronic file.

At the time of the deliveries, I requested that several planners review the hard copies prior to any final recommendation being generated. I provided the hard copies for Bruce Wilcox, Artie White, Debra Thomas and Sherri Calhoun. Given the gravity of prematurely, seriously and permanently altering the character of this exemplary neighborhood; I felt it was quite appropriate that these communications be carefully reviewed prior to a final recommendation to other governmental bodies. I would also hope, before the final recommendation, the comments of all Killearn property owners are read, considered and given the weight they deserve.

Please feel free to contact me for any clarifications or questions.

Respectfully,

James Stockwell

Calhoun, Sherri

From: meadowsj020@comcast.net.com
Sent: Wednesday, November 16, 2016 9:26 PM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Killearn estates golf course

FROM: meadowsj020@comcast.net.com

DATE: 11/16/2016 09:26:28 PM

SUBJECT: Killearn estates golf course

AS a Killearn resodent, I am NOT in favor of changing the land use designation of the 45 acre golf course (the Narrows). Please preserve the golf course for the property owners and for the integrity of the neighborhood. Thank you! Jane D. Granger Meadows 2812 Whittington Drive

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:12 PM
To: meadowsj020@comcast.net
Cc: Bryant, Cherie (Planning); Calhoun, Sherri
Subject: Re: Killearn estates golf course
Attachments: Notice PCM201702revised2.doc

Jane, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <meadowsj020@comcast.net> 11/16/2016 9:19 PM >>>
FROM:"Jane D. Granger Meadows <meadowsj020@comcast.net>

As a resident of Killearn, I protest the effort to change the land use of the golf course (the Narrows) to multi family housing. Please preserve the golf course for the benefit of property owners and the integrity of the neighborhood. Thank you!

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: meadowsj020@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn estates golf course
Date: Tuesday, December 06, 2016 10:29:19 AM

Ms. Meadows,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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Please note that 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.

>>> <meadowsj020@comcast.net> 11/16/2016 9:19 PM >>>
FROM:"Jane D. Granger Meadows" <meadowsj020@comcast.net>

As a resident of Killearn, I protest the effort to change the land use of the golf course (the Narrows) to multi family housing. Please preserve the golf course for the benefit of property owners and the integrity of the neighborhood. Thank you!

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 3:52:10 PM

From: jbstreit@gmail.com [mailto:jbstreit@gmail.com]
Sent: Monday, February 13, 2017 2:14 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702

Name: Jane Streit

Street Address: 3023 Shamrock St N

City: Tallahassee

State: FL

Zip: 32309

Email Address: jbstreit@gmail.com

Comments: Home is located on the 8th hole of the "narrows" and will be adversely effected by an Urban Residential designation. Please consider limiting ALL land use to RP-1. This would allow Mr. Tuck a profit but not have as much impact on current homeowners.

From: janet.gough@gmail.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Friday, December 30, 2016 11:03:48 AM

- **Amendment:** PCM201701 Map
- **First Name:** Janet
- **Last Name:** Gough
- **Street Address:** 3709 Foxford Circle
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** janet.gough@gmail.com
- **Comments:** My husband, Gary, and I STRONGLY support Barton Tuck's plan to revitalize the Killearn Country Club. Doing so will have a positive impact on ALL real estate values in Killearn Estates. A country club facility adds value to the KE tract overall, not just to those properties actually on the golf course. The alternative to approving Tuck's plan could actually mean the loss of the entire golf course in the future, and would have a truly detrimental effect on all of Killearn Estates.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, February 15, 2017 8:42:35 AM

From: janet.gough@gmail.com [mailto:janet.gough@gmail.com]
Sent: Wednesday, February 15, 2017 7:34 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Country Club Applicant: Barton N. Tuck Jr. PCM201702
Name: Janet Gough
Street Address: 3709 Foxford Circle
City: Tallahassee
State: Florida
Zip: 32309
Email Address: janet.gough@gmail.com

Comments: Last week I wrote a column, published in the Tallahassee Democrat, advising approval of the Killearn Country Club plan. Reactions were 95% positive, with a small minority in heated disagreement, but that was expected. I actually found most of the feedback to be edifying. Yet I continue to be dismayed at the lack of understanding among my neighbors, some of whom have said that Tuck has profited from the Killearn Homeowners Association dues (\$150 per household, per year). It's ludicrous. The KOA is unassociated with the country club. Others are talking bankruptcy -- now or later, take your pick. This is doomsday terminology -- as though KCC is slated for failure. Still others seem upset by the term "urban development," even though Killearn is within city limits, and therefore "urban." Can you dispel some of these unfounded fears so the project can move forward? Perhaps assuring folks that the planning commission will act judiciously to approve the development for the larger parcel that requires rezoning. It seems clear to me and to so many others I know that improving the course will benefit Killearn Estates overall. It seems a simple decision to move forward with Tuck's plans.

From: [Nick Maddox](#)
To: janet.gough@gmail.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates Country Club revitalization
Date: Thursday, January 19, 2017 12:29:16 PM

Ms. Gough,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <janet.gough@gmail.com> 12/30/2016 11:07 AM >>>
FROM:"Janet Gough" <janet.gough@gmail.com>

As Killearn Estates residents, my husband, Gary, and I strongly support Barton Tuck's plan to revitalize the Killearn Country Club. This project will result in an improved neighborhood, and most likely affect ALL real estate values in the estates, not just those situated with golf course frontage. Please endorse Tuck's plan.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: [Janet Gough](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn estates redevelopment
Date: Thursday, January 19, 2017 12:39:13 PM

Ms. Gough,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> Janet Gough <janet.gough@gmail.com> 1/17/2017 3:56 PM >>>

Please endorse Mr Tuck's plans to improve the golf course. The course itself is beautiful but the buildings are not. New facilities will add to the value of all homes within Killearn!

From: wallacejayne@hotmail.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Monday, December 05, 2016 11:21:30 AM

- **Amendment:** PCM201701 Map
- **First Name:** Jayne T.
- **Last Name:** Wallace
- **Street Address:** 3207 Shamrock E, #6
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** wallacejayne@hotmail.com
- **Comments:** To Whom It May Concern: In re:FLUM matter PCM201702, rezoning for Killearn Country Club. Specifically with regard to rezoning Sites A, B, C, and D. As one of the owners who would be affected by this, I am very much opposed to the plan to rezone these areas from Recreational/Open Space to Mixed Residential. The obvious objections are 1) problems with increased traffic flow; 2) possible increases in existing water problems by disturbing run-off patterns; and 3) increased strain on existing power and sewage systems. Approving the proposed changes would create another source of problems by totally enclosing what is now recreational open space, used and enjoyed by the public, with privately owned property, leaving the public no access. I can foresee difficulties arising when people are denied access to space they enjoyed formerly. This also raises the question of who will be responsible for the upkeep of the enclosed "recreational" space. How will those costs be assessed, by whom, and how with those doing that upkeep get into the space in question? I have no objection to proposed improvements to the Country Club, but I do object to over-crowding the area and placing unnecessary stresses on the existing infrastructure to do so, and I object to creating a fresh set of problems by rezoning recreational open spaces. Thank you. Jayne Wallace

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 4:54:14 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: jennymeli75@gmail.com [mailto:jennymeli75@gmail.com]
Sent: Tuesday, February 14, 2017 4:54 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702-Killearn Country Club

Name: Jenny Meli

Street Address: 2917 Tyron Circle

City: Tallahassee

State: FL

Zip: 32309

Email Address: jennymeli75@gmail.com

Comments: Though I appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT

ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it.

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Barton Tuck's Proposed Zoning Change to Killearn Golf Course
Date: Wednesday, January 18, 2017 9:57:36 AM
Attachments: [image001.png](#)

Please put in the record.

From: Wilcox, Barry
Sent: Wednesday, January 18, 2017 8:46 AM
To: White, Artie <Artie.White@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>
Subject: FW: Barton Tuck's Proposed Zoning Change to Killearn Golf Course

Barry Wilcox, AICP, LEED ND AP

Division Manager

Tallahassee-Leon County Planning Dept.

Comprehensive Planning & Urban Design

850.891.6400 • barry.wilcox@talgov.com



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

From: JJTREND@aol.com [<mailto:JJTREND@aol.com>]
Sent: Tuesday, January 17, 2017 5:00 PM
To: Gillum, Andrew; Maddox, Scott; Miller, Nancy; Richardson, Curtis; Ziffer, Gil; deslogeb@leon-countyfl.gov; Thomas, Debra; Walker, Barbara; Williams-Cox, Diane; Edmond, Timothy; pmadden@jacksonville.net.com; Proctor, Stewart; keith@dantinconsultingllc.com; Deyle, Robert; Wilcox, Barry; Snyder, Russell
Subject: Barton Tuck's Proposed Zoning Change to Killearn Golf Course

Ladies & Gentlemen:

My wife and I live on hole #6 of the Killearn North Course. We live in the *Greens of Killearn*, a small subdivision of 87 lots, with 54 of them fronting the North Course. Mr. Tuck closed the North Course last year, which has seriously affected the value and marketability of our home, and those of our neighbors. Golf course property loses value when it becomes non-golf property.

We live in a quiet neighborhood with no thru traffic, and we're counting on our elected officials to help preserve our property values by denying Mr. Tuck's request. Approval of such a massive and invasive rezoning request would forever change our neighborhood, other neighborhoods that border the North Course, and all of Killearn Estates.

We hope that our Planning Dept. staff and Commission determines that such a zoning change would create serious traffic and water management problems, and is incompatible with our community. We believe there are enough already-approved residential developments nearby that will easily satisfy the need for the types of residential construction planned by Mr. Tuck.

Please do whatever you can to see that our property values and the character of our neighborhoods are preserved by denying Mr. Tuck's request.

Thank you,

Jerry & Barbara Johnston
3014 Sawgrass Circle
Tallahassee, FL 32309

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: JJTREND@aol.com
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Jerry & Barbara Johnston RE: Barton Tuck's Proposed Zoning Change to Killearn Golf Course
Date: Wednesday, January 18, 2017 5:01:55 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: JJTREND@aol.com [mailto:JJTREND@aol.com]
Sent: Tuesday, January 17, 2017 5:00 PM
To: Gillum, Andrew; Maddox, Scott; Miller, Nancy; Richardson, Curtis; Ziffer, Gil; deslogeb@leon-countyfl.gov; Thomas, Debra; Walker, Barbara; Williams-Cox, Diane; Edmond, Timothy; pmadden@jacksonville.net.com; Proctor, Stewart; keith@dantinconsultingllc.com; Deyle, Robert; Wilcox, Barry; Snyder, Russell
Subject: Barton Tuck's Proposed Zoning Change to Killearn Golf Course

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Thank you,

Jerry & Barbara Johnston
3014 Sawgrass Circle
Tallahassee, FL 32309

From: Silvia.Alderman@akerman.com
To: [Calhoun, Sherri](#)
Cc: [Wilcox, Barry](#)
Subject: FW: Barton Tuck's Proposed Zoning Change to Killearn Golf Course
Date: Thursday, January 19, 2017 6:48:40 PM

Hi Sherri. At today's LPA workshop the commissioners were instructed to forward to you any public comments they have received so that they can be made available to the public. I am forwarding you the ones I have received from Commissioner Edmond per his request. This is one of several I will forward to you shortly.

Silvia Morell Alderman

Board Certified by the Florida Bar in State & Federal Government and Administrative Practice
Akerman LLP | Suite 1200 | 106 East College Avenue | Tallahassee, FL 32301
Dir: 850.425.1627 | Main: 850.224.9634 | Fax: 850.325.2527
silvia.alderman@akerman.com

[vCard](#) | [Bio](#)



CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

From: Timothy Edmond [<mailto:tim@theedmondgroup.comcastbiz.net>]
Sent: Tuesday, January 17, 2017 5:14 PM
To: Alderman, Silvia (Ptnr-Tlh)
Subject: FW: Barton Tuck's Proposed Zoning Change to Killearn Golf Course

One more.

Timothy D. Edmond, CEO
The Edmond Group, LLC
Licensed Real Estate Broker
1234-B Timberlane Rd., Suite A
Tallahassee, FL 32312
O 850.893.9900
M 850.528.5676
edmondgroup.tde@gmail.com

From: JJTREND@aol.com [JJTREND@aol.com]
Sent: Tuesday, January 17, 2017 4:59 PM
To: Andrew.Gillum@talgov.com; Scott.Maddox@talgov.com; Nancy.Miller@talgov.com;
Curtis.Richardson@talgov.com; Gil.Ziffer@talgov.com; deslogeb@leon-countyfl.gov;
Debra.Thomas@talgov.com; bwalker@parkscrump.com; dwmscox@gmail.com;

edmondgroup.tde@gmail.com; pmadden@jacksonville.net.com; stewart@structureiq.net;
keith@dantinconsultingllc.com; rdeyle@fsu.edu; barry.wilcox@talgov.com; russell.snyder@talgov.com
Subject: Barton Tuck's Proposed Zoning Change to Killearn Golf Course

Ladies & Gentlemen:

My wife and I live on hole #6 of the Killearn North Course. We live in the *Greens of Killearn*, a small subdivision of 87 lots, with 54 of them fronting the North Course. Mr. Tuck closed the North Course last year, which has seriously affected the value and marketability of our home, and those of our neighbors. Golf course property loses value when it becomes non-golf property.

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We hope that our Planning Dept. staff and Commission determines that such a zoning change would create serious traffic and water management problems, and is incompatible with our community. We believe there are enough already-approved residential developments nearby that will easily satisfy the need for the types of residential construction planned by Mr. Tuck.

Please do whatever you can to see that our property values and the character of our neighborhoods are preserved by denying Mr. Tuck's request.

Thank you,

Jerry & Barbara Johnston
3014 Sawgrass Circle
Tallahassee, FL 32309

From: jessicaloyd11@gmail.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Friday, November 18, 2016 1:21:41 PM

- **Amendment:** PCM201701 Map
- **First Name:** Jessica
- **Last Name:** Loyd
- **Street Address:** 3020 Bayshore Dr.
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** jessicaloyd11@gmail.com
- **Comments:** I would like to voice my concerns about the possibility of the rezoning of land requested by Barton Tuck. I live in Tree Harbor, a quiet neighborhood with narrow streets. We can't afford any more through traffic for the safety of our children who like to play outside and those (myself included) who walk their pets. Our roads are windy, with many blind spots. I am also concerned about increased runoff further damaging our lakes. They already have issues. I am on a committee to improve our lakes, they are very important to me and other residents of our neighborhood. We want to keep our neighborhood beautiful, quiet, and safe. Thank you for your consideration.

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Joe Blandford](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Joe Blandford RE: Rezoning Request for Killearn Estates Golf Course
Date: Wednesday, January 18, 2017 5:07:08 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Joe Blandford [mailto:jbblandford@miltec.com]
Sent: Monday, January 16, 2017 5:31 PM
To: Gillum, Andrew
Subject: Rezoning Request for Killearn Estates Golf Course

The Honorable Andrew Gillum
Mayor of Tallahassee

Dear Mr. Mayor:

My Wife and I have lived in Killearn Estates since January 1999. We purchased our home on what was presented as a 27-hole golf course and we fully expected that condition to continue indefinitely, as our retirement home. I am writing to urgently appeal to you to strongly oppose the request for a change in zoning, which has been presented by Palmetto Club Properties and Mr. Barton Tuck of Greenville, SC, the owner of the Killearn Country Club.

Since I know you have been made aware of the proposed changes, I make this appeal for many reasons. We believe our rights under the covenant that we bought our property are not being honored.

Secondly, the values of all homes in the community will and have plummeted. Traffic will increase dramatically along with water and sewer and other infrastructure problems with the amount of building that will be accomplished.

Thirdly, I believe with all my heart that Mr. Tuck has no intention of completing the projects that he

has promised.

The fourth point I would make is directed at you personally. I feel strongly that you love the Tallahassee community and are committed to leaving your legacy for a better community for future generations. More tract homes and townhouses is not a legacy. However, leaving open spaces and preserving Tallahassee's first premier community would indeed be one that leaves your mark for all times.

I therefore respectfully request that you do not support Mr. Tuck's request for rezoning the Killearn Country Club and Golf Course and restore it to its original 27- hole configuration.

Sincerely,
Joseph B. Blandford
3098 Kiltaman Drive
Tallahassee, FL 32309
850-894-8634

From: [Bryan Desloge](#)
To: [Joe Blandford](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Rezoning Request for Killearn Estates Golf Course
Date: Tuesday, January 17, 2017 1:19:00 PM

Joe, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to deny the project, some to alter it, as well as those who are in favor of the project. I understand the situation and I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Joe Blandford <jobblandford@miltec.com> 1/16/2017 5:09 PM >>>
Dear Commissioner:

My Wife and I have lived in Killearn Estates since January 1999. We purchased our home on what was presented as a 27-hole golf course and we fully expected that condition to continue indefinitely, as our retirement home. I am writing to urgently appeal to you to strongly oppose the request for a change in zoning, which has been presented by Palmetto Club Properties and Mr. Barton Tuck of Greenville, SC, the owner of the Killearn Country Club.

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I therefore respectfully request that you do not support Mr. Tuck's request for rezoning the Killearn Country Club and Golf Course and restore it to its original 27- hole configuration.

Sincerely,
Joseph B. Blandford
3098 Kiltaman Drive
Tallahassee, FL 32309
850-894-8634

From: [Nick Maddox](#)
To: [Joe Blandford](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Rezoning Request for Killearn Estates Golf Course
Date: Thursday, January 19, 2017 12:38:19 PM

Mr. Blandford,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

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>>> Joe Blandford <jbblandford@miltec.com> 1/16/2017 5:09 PM >>>
Dear Commissioner:

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Sincerely,
Joseph B. Blandford
3098 Kiltaman Drive
Tallahassee, FL 32309
850-894-8634

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 11:07:28 AM

From: halljohn@comcast.net [mailto:halljohn@comcast.net]
Sent: Tuesday, February 14, 2017 10:35 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 Killearn country club

Name: John Hall

Street Address: 2905 Fairchild ct

City: Tallahassee

State: Florida

Zip: 32309

Email Address: halljohn@comcast.net

Comments: As a resident of Killearn for 37 years, I am knowledgeable of our community. The feasibility , impact and "pledge" of intentions by Mr. Tuck are without proper study or legal status. I also believe the proposed development is not in compliance with the Comprehensive Plan, especially in terms of its probable negative impact on the environment and traffic situation. Please vote no!

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 11:57 AM
To: jhendry101@aol.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Estates golf course home
Attachments: Notice PCM201702revised2.doc

John, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <jhendry101@aol.com> 11/17/2016 11:15 AM >>>
FROM:"John C Hendry <jhendry101@aol.com>

We purchased our home in Killearn because we wished to be on the golf course and also because of the increased value of golf course living. The value of all golf course properties will dramatically decrease when sections of the course are removed and multi-family units are built. Do not let this happen!

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: jhendry101@aol.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates golf course home
Date: Tuesday, December 06, 2016 10:34:31 AM

Mr. Hendry,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <jhendry101@aol.com> 11/17/2016 11:15 AM >>>
FROM:"John C Hendry <jhendry101@aol.com>

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This message sent from the Leon County Website: www.leoncountyfl.gov

NOTICE OF A REQUESTED AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

I/We as owner(s) of property at this address: 3105 Tippecanoe Dr. Amendment # **PCM201702** wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

We support the request of Brian Tack Jr to change the F-40M designation to F-40U the importance to K. Kim Gault (H.S.)
 SIGNED: John Kelly (John Kelly), John R. Kelly

3105 Tippecanoe Dr.
 NOV 14 4:59 PM
 RECEIVED
 TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

Attachment 4
 Page 552 of 795

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, February 15, 2017 8:41:36 AM

From: jorgep12@me.com [mailto:jorgep12@me.com]
Sent: Tuesday, February 14, 2017 9:06 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702: Killlearn Country Club

Name: Jorge Piekarewicz

Street Address: 4062 Kilmartin Drive

City: Tallahassee

State: FL

Zip: 32309

Email Address: jorgep12@me.com

Comments: Mr. Tuck's has mismanaged the Golf Course for decades and now his intention is to finance the improvements to Killlearn Golf and Country Club on the backs of the many residents that will see their properties plummet in value. By approving Mr. Tuck's application you would be giving preferential treatment to one parcel at the expense of many others. Approving Mr. Tuck's application will be highly detrimental both financially and environmentally. As a resident of Killlearn Estates for more than 25 years I urge you to deny Mr. Tuck's application and to preserve the integrity of our neighborhood. Please send a clear message to the City Commissioners that rezoning our property would be disastrous to the entire neighborhood. Godspeed!

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 12:12:39 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: pccjoebev@centurylink.net [mailto:pccjoebev@centurylink.net]
Sent: Monday, February 13, 2017 12:06 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Zoning Project

Name: Joseph Wood

Street Address: 3002 Sawgrass Circle

City: Tallahassee

State: FL

Zip: 32309

Email Address: pccjoebev@centurylink.net

Comments: The individuals opposing the plan to redevelop parts of Killearn golf club seem to be resorting to scare tactics - implying that property values will drop. I live on the North Course that has been closed, and in my opinion, property values will rise if the Killearn Clubhouse is replaced with a modern facility, which can only be paid for if Mr. Tuck sells the affected property. If he does not modernize, there is very real possibility that the entire golf course will close. THAT will seriously, adversely affect property values in the entire Killearn Estates area. I hope the opposition realizes the consequences of their actions. Please recommend approval of the sale by Mr. Tuck of the property in question. As a compromise, it would be more acceptable to all if the development were to be restricted to single family, including zero-lot line homes, rather than multi-family units. Doing that would minimize

traffic concerns.

From: [Bryan Desloge](#)
To: pccjoebev@centurylink.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Golf Course
Date: Saturday, November 19, 2016 1:46:40 PM
Attachments: [Notice_PCM201702revised2.doc](#)

Joseph, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to disapprove the project, some to alter, as well as those like yours in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <pccjoebev@centurylink.net> 11/17/2016 3:57 PM >>>
FROM:"Joseph Wood" <pccjoebev@centurylink.net>

I support the plan proposed by the owner of Killearn Golf Club, Mr. Barton Tuck. I think his plan will improve the quality of golf in the Northeast/Killearn area. I would be concerned, however, if multi-family, high rise apartments would be built on the property he wishes to develop. A less dense residential area would be acceptable.

If the litigation and other delays continue unending, the reality is that the present club will deteriorate rapidly, with the possibility that it will close, so I urge as speedy a process as possible to resolve this issue.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Joe Wood](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Joe Wood RE: Killearn Golf Club Proposal
Date: Wednesday, January 18, 2017 5:07:34 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Joe Wood [mailto:pccjoebev@centurylink.net]
Sent: Monday, January 16, 2017 4:52 PM
To: Miller, Nancy; Maddox, Scott; Richardson, Curtis; Ziffer, Gil; Gillum, Andrew
Subject: Killearn Golf Club Proposal

Dear Ladies and Gentlemen,

My wife and I have lived on the golf course in Killearn for over 20 years. Even though our home rests on the part of the course that has been closed down, we strongly believe that the plan proposed by Mr. Tuck offers the best opportunity for a revitalized, active and top-notch golf club.

We urge you to give your utmost consideration to this plan and approve the redevelopment of the property Mr. Tuck needs to sell in order to provide the funds to build a new, modern Clubhouse. We firmly believe that such an upgraded facility can be a shining star in the community and will enhance property values of the whole area.

The incessant litigation and vocal delays by a few opposition members serve only to obstruct progress on building the new club facility. Please be advised that a majority of the Killearn Golf Club members are in full support of the plan and are concerned that if the minority opposition has its way the community of Killearn faces the very real possibility of not having a golf club at all.

Thank you for your consideration,

Joe and Bev Wood
3002 Sawgrass Circle

Tallahassee, FL 3230(850) 668-8936

From: [Nick Maddox](#)
To: pccjoebev@centurylink.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Golf Course
Date: Tuesday, December 06, 2016 10:40:15 AM

Mr. Wood,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <pccjoebev@centurylink.net> 11/17/2016 3:57 PM >>>
FROM:"Joseph Wood <pccjoebev@centurylink.net>

I support the plan proposed by the owner of Killearn Golf Club, Mr. Barton Tuck. I think his plan will improve the quality of golf in the Northeast/Killearn area. I would be concerned, however, if multi-family, high rise apartments would be built on the property he wishes to develop. A less dense residential area would be acceptable.

If the litigation and other delays continue unending, the reality is that the present club will deteriorate rapidly, with the possibility that it will close, so I urge as speedy a process as possible to resolve this issue.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: karenallinder3072@comcast.net
Sent: Thursday, November 10, 2016 4:04 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Karen
- **Last Name:** Allinder
- **Street Address:** 3072 White Ibis Way
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** karenallinder3072@comcast.net
- **Comments:** I am writing to state my displeasure with the proposed land use changes being requested by the owner of the Killearn Golf and Country Club. I live on one of the holes that will be affected by these changes. Mr. Tuck knew he was buying a 27 hole golf course and just because he made a bad financial investment does not give him the right to negatively affect my investment and property value. This would significantly change our lifestyle and we request that the board reject any and all changes being requested. Thank you for your consideration in the representation of all of us who live in Killearn.

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Please vote NO to Killearn Land Use Changes.
Date: Wednesday, January 18, 2017 10:05:48 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Please include in the record.

From: Karen Allinder [mailto:Karen.Allinder@millerheimangroup.com]
Sent: Tuesday, January 17, 2017 8:51 AM
To: Walker, Barbara <BWalker@parkscrump.com>; Williams-Cox, Diane <dwmscox@gmail.com>; Edmond, Timothy <edmondgroup.tde@gmail.com>; pmadden@jacksonville.nef.com; Proctor, Stewart <stewart@structureiq.net>; keith@dantinconsultingllc.com; Deyle, Robert <rdeyle@fsu.edu>; Wilcox, Barry <Barry.Wilcox@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Snyder, Russell <Dwayne.Snyder@talgov.com>
Subject: Please vote NO to Killearn Land Use Changes.

Dear ladies and gentlemen, It is my understanding that you will a part of making a decision on any changes to the land use of the Killearn Golf and Country Club. I humbly request that you do NOT approve any changes.

I bought my house of the North Course just 4 years ago after moving to Tallahassee from South Florida. I had seen many golf course changes over time, so I did my due diligence to make sure that the KGCC would remain intact. Now, because one man does not know how to run a profitable golf business, I and my neighbors are faced with losing our beautiful view and the value of our golf course property.

Please protect the original intent of our beautiful community and the people who live here. Thank you for your consideration.

Sincerely,

Karen Allinder
3072 White Ibis Way
Tallahassee, FL 32309

Karen Allinder
VP, Customer Experience Solutions
Miller Heiman Group
karen.allinder@millerheimangroup.com
(813) 732-4200



From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 2:52:25 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: karen.allinder@Millerheimangroup.com [mailto:karen.allinder@Millerheimangroup.com]
Sent: Tuesday, February 14, 2017 2:45 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Rezoning

Name: Karen Allinder

Street Address: 3072 White Ibis Way

City: Tallahassee

State: FL

Zip: 32309

Email Address: karen.allinder@Millerheimangroup.com

Comments: Though I appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT

ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it. Please protect us all!

From: Silvia.Alderman@akerman.com
To: [Calhoun, Sherri](#)
Cc: [Wilcox, Barry](#)
Subject: FW: Please vote NO to Killearn Land Use Changes.
Date: Thursday, January 19, 2017 6:50:43 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Silvia Morell Alderman

Board Certified by the Florida Bar in State & Federal Government and Administrative Practice
Akerman LLP | Suite 1200 | 106 East College Avenue | Tallahassee, FL 32301
Dir: 850.425.1627 | Main: 850.224.9634 | Fax: 850.325.2527
silvia.alderman@akerman.com

[vCard](#) | [Bio](#)



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From: Timothy Edmond [<mailto:tim@theedmondgroup.comcastbiz.net>]
Sent: Tuesday, January 17, 2017 9:17 AM
To: Alderman, Silvia (Ptnr-Tlh)
Subject: FW: Please vote NO to Killearn Land Use Changes.

Good morning. Like the other PC I am getting a bunch of emails re: Killearn. As you've earlier suggested, I'll copy you on what I receive. Be well. Tim.

Timothy D. Edmond, CEO
The Edmond Group, LLC
Licensed Real Estate Broker
1234-B Timberlane Rd., Suite A
Tallahassee, FL 32312
O 850.893.9900
M 850.528.5676
edmondgroup.tde@gmail.com

From: Karen Allinder [Karen.Allinder@millerheimangroup.com]
Sent: Tuesday, January 17, 2017 8:51 AM
To: bwalker@parkscrump.com; dwmscox@gmail.com; edmondgroup.tde@gmail.com;
pmadden@jacksonville.nef.com; stewart@structureiq.net; keith@dantinconsultingllc.com;

rdeyle@fsu.edu; barry.wilcox@talgov.com; debra.thomas@talgov.com; russell.snyder@talgov.com

Subject: Please vote NO to Killearn Land Use Changes.

Dear ladies and gentlemen, It is my understanding that you will a part of making a decision on any changes to the land use of the Killearn Golf and Country Club. I humbly request that you do NOT approve any changes.

I bought my house of the North Course just 4 years ago after moving to Tallahassee from South Florida. I had seen many golf course changes over time, so I did my due diligence to make sure that the KGCC would remain intact. Now, because one man does not know how to run a profitable golf business, I and my neighbors are faced with losing our beautiful view and the value of our golf course property.

Please protect the original intent of our beautiful community and the people who live here. Thank you for your consideration.

Sincerely,

Karen Allinder
3072 White Ibis Way
Tallahassee, FL 32309

Karen Allinder

VP, Customer Experience Solutions

Miller Heiman Group

karen.allinder@millerheimangroup.com

(813) 732-4200



From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 9:21:04 AM

From: alia@aol.com [mailto:alia@aol.com]
Sent: Tuesday, February 14, 2017 9:21 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Golf Course

Name: Karen Vogter

Street Address: 3009 Grey Abbey Court

City: Tallahassee

State: FL

Zip: 32309

Email Address: alia@aol.com

Comments: Dear Planning Commission: I appreciate the Commissioners who encouraged the parties to come together this past week but to date, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. I am asking the Planning Commission to focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan

Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2.
I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City
Commissioners that rezoning this property would be disastrous to the entire neighborhood,
regardless of whether or not they realize it. Thank you- Karen Vogter

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 4:52:34 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: Knbrandewie@gmail.com [mailto:Knbrandewie@gmail.com]
Sent: Monday, February 13, 2017 4:49 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: When submitting your comments to the City, please enter:

PCM20170Killearn Country Club Applicant: Barton N. Tuck Jr.

Name: Katherine Brandewie

Street Address: 2908 Tyron cir

City: Tallahassee

State: FL

Zip: 32309

Email Address: Knbrandewie@gmail.com

Comments: I live on the north golf course in Killearn, am a golf course member and fully support Mr. Tuck's request for rezoning. Killearn golf course is a big piece of the neighborhood and is in desperate need of revamping to continue bringing in new neighbors and members. I've read through the documents pertaining to this request and do not see any downside for additional houses being built in the proposed location.

Calhoun, Sherri

From: tazmania59@gmail.com
Sent: Thursday, November 17, 2016 1:45 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Kathleen M. Grobe
- **Last Name:** Grobe
- **Street Address:** 4427 Bayshore Circle
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** tazmania59@gmail.com
- **Comments:** As a resident of Tree Harbour, I respectfully request that you deny the downgrading of land use and zoning requested by Barton N. Tuck. We are a small community of narrow streets with no sidewalks; thus people walk and walk their pets in the streets. Traffic cutting through the neighborhood is already heavy, and it is not unusual for drivers to ignore the speed limit. It can be dangerous to walk in our neighborhood and the proposed change would only make it more so. The heavy runoff into Lake Killarney also would increase substantially and would only worsen the lake's already-shaky condition. All of this would, I believe, depreciate the value of not only my home but homes throughout the neighborhood. Homeowners with lakefront property would suffer most, but all of us would pay the price of declining value of our homes. Once again I urge you to reject this proposed downgrading of land use and zoning.

From: kathy_cochran08@comcast.net
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Monday, November 21, 2016 4:29:43 AM

- **Amendment:** PCM201702 Map
- **First Name:** Kathy
- **Last Name:** Cochran
- **Street Address:** 4134 Arklow Drive
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** kathy_cochran08@comcast.net
- **Comments:** My property is within 1000 feet of the proposed rezoning area, and I am 100% AGAINST allowing the Killearn Golf Course to be rezoned. It will cause my property value to decrease. Please do not allow this rezoning.

Calhoun, Sherri

From: aerobat_tlh@msn.com
Sent: Thursday, November 17, 2016 1:54 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Keith
- **Last Name:** Howell
- **Street Address:** 3009 Shamrock Street South
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** aerobat_tlh@msn.com
- **Comments:** The Killearn Country Club has a poor track record of maintaining their property. My concern is that if given approval, they will sell the subject property and pocket the money. It's rare when the country club spends any money on the property. They have treated the property as a "cash cow". I have lived across the street and have witnessed the decline of the property over the past 30 years

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:08 AM

From: akr22@yahoo.com [mailto:akr22@yahoo.com]
Sent: Monday, February 13, 2017 6:52 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702KCCaplicant:Barton N.TuckJr.

Name: Ken Adkison

Street Address: 4946 Outlook Ct.

City: Tallahassee

State: Floriuda

Zip: 32303

Email Address: akr22@yahoo.com

Comments: TLC Planning Commission, As a non resident but member of KCC for twenty plus years I fully understand the homeowners concerns and feel I can't make the call in regard to homeowners but, it would be devastating for the club and ALL residence to close Killearn Country Club.

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:03 PM
To: ken.howes@aol.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Country Club
Attachments: Notice PCM201702revised2.doc

Ken, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to disapprove the project, alter it, as well as those who are for it, such as you and your wife. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <ken.howes@aol.com> 11/17/2016 7:20 AM >>>
FROM:"Ken Howes <ken.howes@aol.com>

My wife and I fully support what Barton Tuck is trying to do to improve Killearn Country Club. Please keep an open mind as you all decide to do what is in the best interest of the majority of residents in this area, as opposed to the minority of people that are opposed to his plan. Thank you all for what you do.

This message sent from the Leon County Website: www.leoncountyfl.gov

Killearn Country Club

Tallahassee - Leon County



Killearn Country Club

Golf Realities

- Economy will not support a 27 hole golf course.
- Courses are being redeveloped throughout Florida.
- Summerbrooke has closed in the past and the Capital City Country Club is struggling.
- City-owned courses run in the negative.
- No outside investors are currently looking at golf courses in Tallahassee.

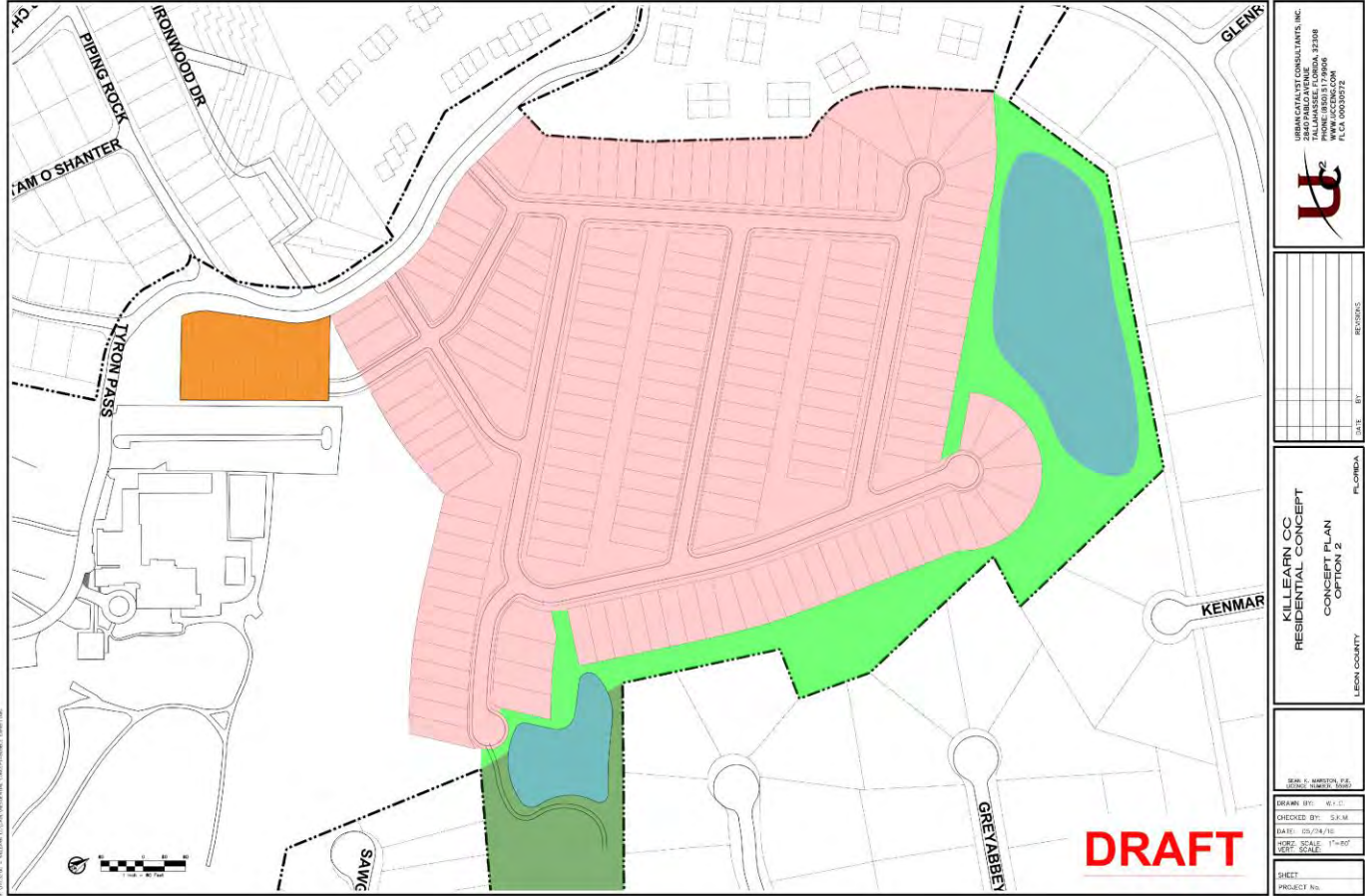


Legal Challenges

- Recorded Covenants allows closure of golf course
- Membership overwhelmingly approved closure of North Course
- North Nine Lawsuits
- Killearn Home Owners Mediation

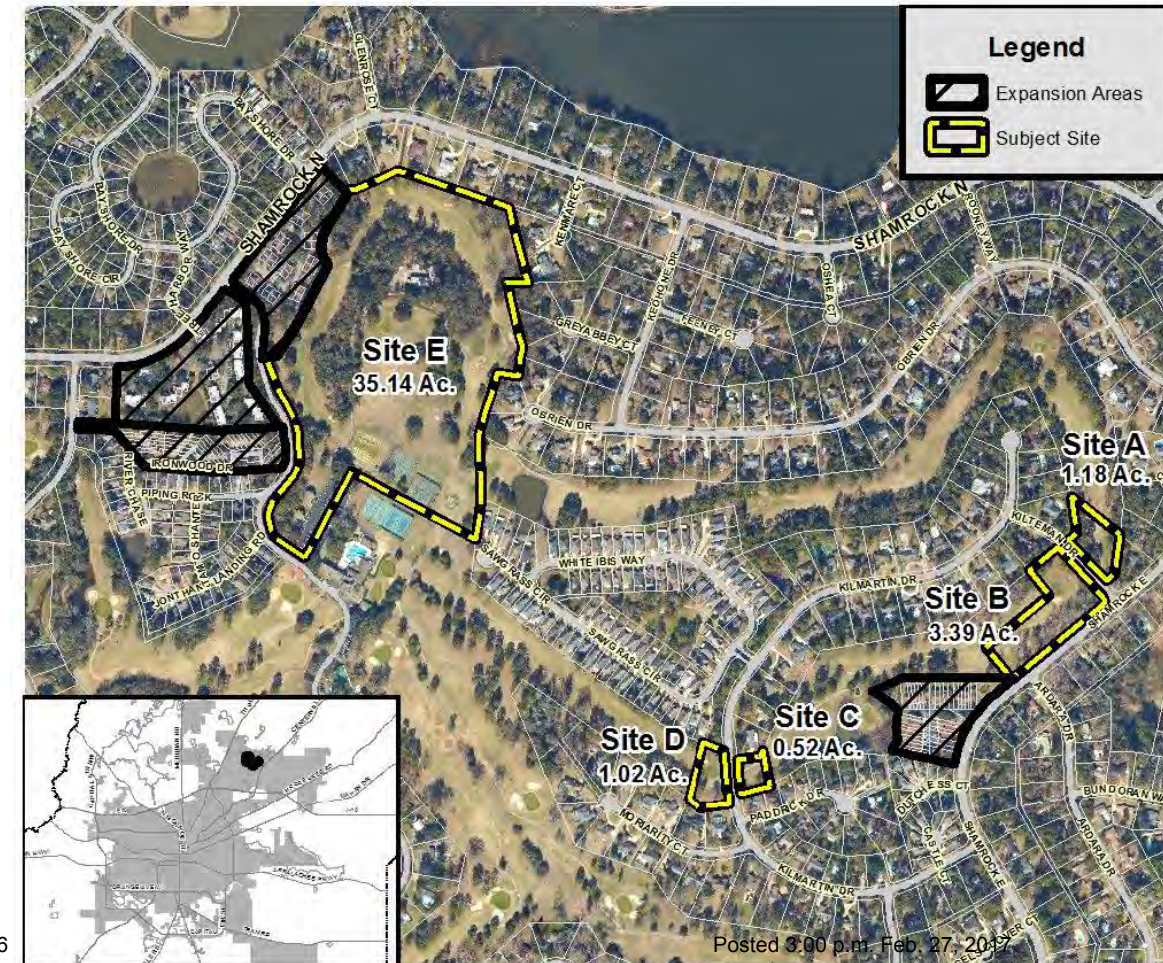
Where We Want to Go

*A draft of the residential
concept.*



Killearn Country Club Comprehensive Plan Amendment

- Main purpose is to provide funds to reinvest into Killearn *Country Club and Community*
- *Land Use and Zoning* proposed changes.
 - Sites A-D — Single Family Residential
 - Change the land use from Open Space/Recreational to Residential Preservation
 - No zoning change required
 - Consistent with the surrounding areas.
 - Site E
 - Change the land use from Open Space/Recreational to Urban Residential
 - Change zoning from RP1 & RP2 to R4
 - R4 allows for a variety of housing types and workable development standards.



Killearn Country Club Comprehensive Plan Amendment

- Staff Report
 - Staff found that the proposed amendment was consistent with the Tallahassee—Leon County Comprehensive Plan
 - Evaluation of six residential enclaves identified a range of densities from 3.5 to 9.2 units per acre
 - Staff proposed to expand the Comprehensive Plan Amendment to include non-conforming adjacent areas
 - Killearn Estates' original development plan intended this area to be used for multi-family lots by allowing up to 43 units per acre
 - Recommended approval

Conservation Area

- North Course Golf Holes 1-6, comprising of 40 +/- acres will be placed in a conservation easement
- 148 homes are adjacent to the conservation area and will have direct access
- All Killearn residents can benefit from passive recreational activities
- No designs exist on the Conservation Area
- Options include:
 - Fitness trail
 - Park-like amenities
 - Dog park
 - Stormwater Improvements
- Conservation Area provides opportunity for area residents and the Killearn Home Owners Association to develop a linear park to accommodate a variety of needs.



Stormwater

- City Requirements:
 - Rate attenuation for 25 year events
 - Water quality treatment over basin
 - Provide 1' of free board for 100 year event
- Two ponds proposed
- Larger Stormwater Management Facility to be located to the north of Site E
 - The City recently upgraded the stormwater infrastructure in the area which drains to Lake Killarney
 - Project SWMF will connect to upgraded stormwater conveyance, not exceeding predevelopment design flows
- Expansion of existing pond on Hole 6
 - Smaller drainage basin
 - Existing stormwater pond will be expanded to not increase existing discharge rates



Preliminary Traffic Analysis

1. Tyron Pass Connector is a privately owned and maintained roadway.
2. 62% of traffic along Tyron Pass currently enters and exits from the south (Longford Drive) versus 38% to the north (Shamrock Drive North).
3. Anticipate a similar traffic pattern for proposed residential uses; 60% south, 40% north.
4. Mid-day weekday traffic count shows up to 28% of traffic is cut through along Tyron Pass.
5. Numerous local roadways are interconnected within Killearn, which serve Killearn Country Club without accessing the collector roadway network (i.e. Shamrock Drive).
6. Transportation Concurrency Analysis will be conducted at the time of site planning and will be required to mitigate any roadway deficiencies.
7. The only roadway in the immediate study area that is currently deficient is Shannon Lakes Drive between Shamrock Drive North and Kerry Forest Parkway (roundabout).
8. A portion of Tyron Pass will be upgraded to a public roadway standards.

FLUMA Traffic Analysis

- **Before** conditions (Open Space/Recreation, 35 acres)

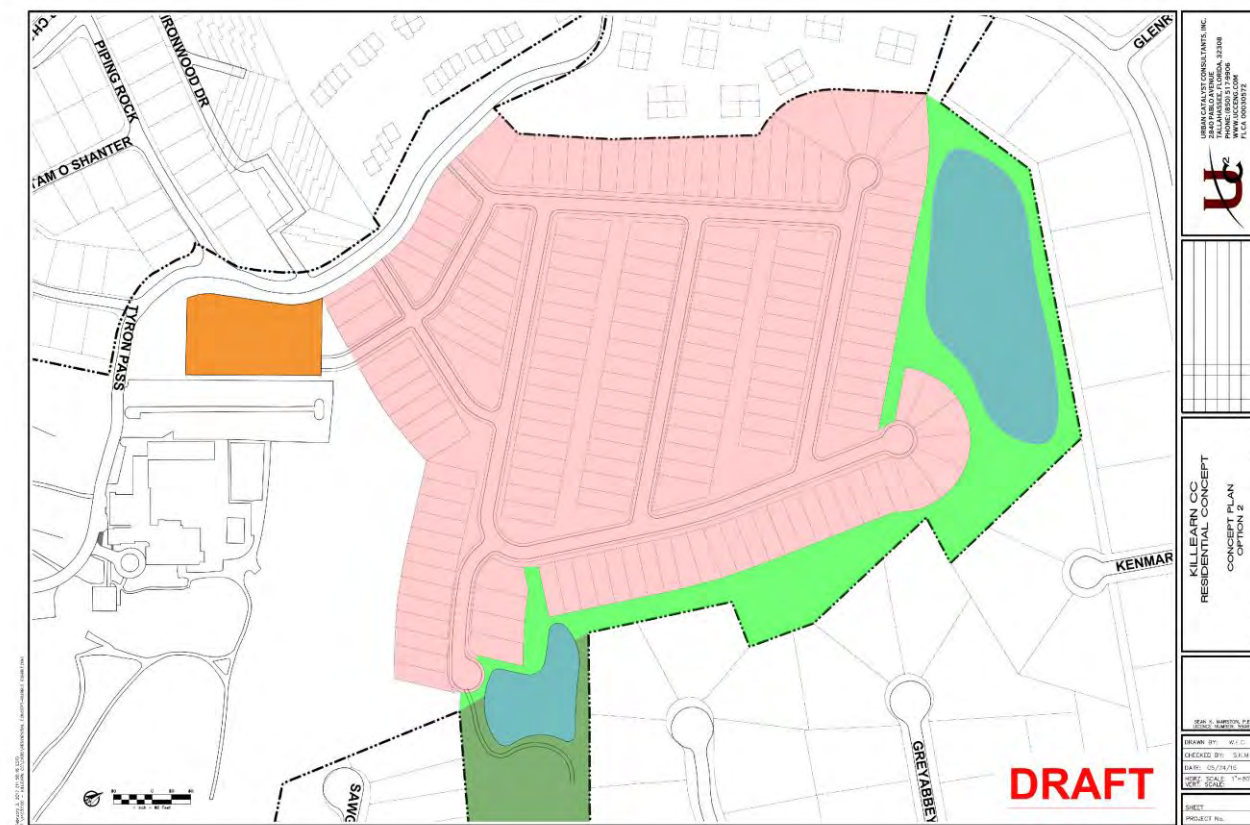
- *Scenario 1* – FLUM Amendment Worst Case (18 hole club and RP-1 at 3.6 DU/acre x 35 acres = 126 DU, non-seniors)
 - Daily Trips = 1,843 vehicles per day
 - PM Peak Hour Trips = 179 vehicles per hour
- *Scenario 2* – Realistic Vested Project (27 hole club and 40 room hotel)
 - Daily Trips = 1,292 vehicles per day
 - PM Peak Hour Trips = 98 vehicles per hour
- *Scenario 3* – Break Even with Vested Trips
 - Daily Trips = 1,292 vehicles per day
 - PM Peak Hour Trips = 98 vehicles per hour

- **After** conditions (Urban Residential, 35 acres)

- *Scenario 1* FLUM Amendment Worst Case (18 Hole Club and RP-4 at 10 DU/acre x 35 acres = 350 DU, non-seniors)
 - Daily Trips = 3,975 vehicles per day → 116% Increase
 - PM Peak Hour Trips = 403 vehicles per hour → 125% Increase
- *Scenario 2* – Realistic Development Plan (18 hole club, 260 DU (Seniors with 60 detached, 200 attached))
 - Daily Trips = 1,552 vehicles per day → 20% Increase
 - PM Peak Hour Trips = 119 vehicles per hour → 22% Increase
- *Scenario 3* – 180 to 185 Senior DU's
 - 0% Increase in Trips

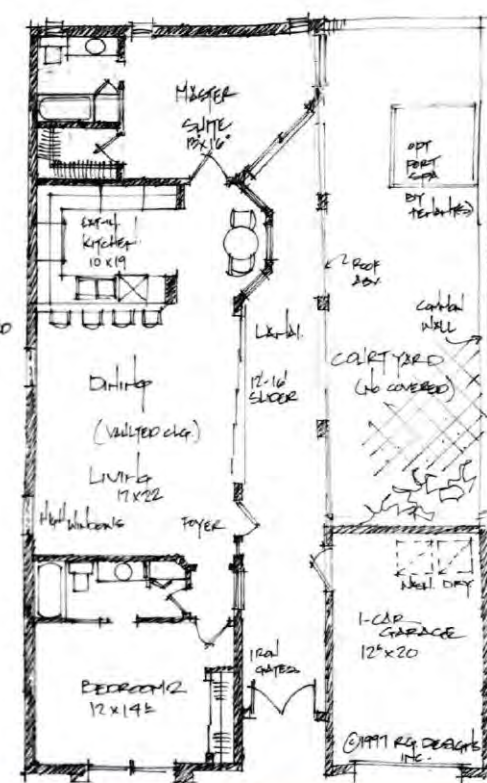
Courtyards of Killearn

- Garden-style homes
- Potential townhome development
- No more than 200 units; max density
- 50' minimum vegetated buffers
- Connection to Tyron Pass
- Enhanced Stormwater Areas



Courtyards of Killearn

- Design Options:
 - Single family attached units
 - Single story 2 bedroom units
 - Two story 3 bedroom units
- Courtyard area designed as an *outdoor living space*
- *Killearn Country Club Membership* benefits
- Passive recreation provided in the conservation areas
- Owners become members of the Killearn Home Owners Association



From: [Nick Maddox](#)
To: ken.howes@aol.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Tuesday, December 06, 2016 10:32:21 AM

Mr. Howes,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <ken.howes@aol.com> 11/17/2016 7:20 AM >>>
FROM:"Ken Howes <ken.howes@aol.com>

My wife and I fully support what Barton Tuck is trying to do to improve Killearn Country Club. Please keep an open mind as you all decide to do what is in the best interest of the majority of residents in this area, as opposed to the minority of people that are opposed to his plan. Thank you all for what you do.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 11:07:12 AM

From: john@thehogans.name [mailto:john@thehogans.name]
Sent: Tuesday, February 14, 2017 10:13 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702
Name: Killearn Country Club
Street Address: 3824 Shamrock St. W.
City: Tallahassee
State: FLORIDA
Zip: 32309
Email Address: john@thehogans.name

Comments: I have lived on Shamrock St. W. since 2005. Over the last several years, I have noticed an increase in vandalism (my mailbox was damaged), reports of burglaries, increase in speeding along Shamrock (cars are now even passing other cars in front of my house), and an increase in the volume of noise from cars (either in form of music or their exhaust systems). The downside of adding more residents (especially at a high density) to this neighborhood will likely result in the increase of the issues I just listed. I'd prefer that these issues diminish, rather than increase. I do not have a solution for the what to do with the golf course property. However, I object to converting a portion of it into (what I consider) high density housing. Just as with the FDOT Killearn Corridor Study, this option doesn't make sense for the challenges facing Killearn.

From: [Bryan Desloge](#)
To: kris@kriskimelphotography.com
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Rezoning
Date: Tuesday, December 06, 2016 4:06:02 PM

Kris, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you! Merry Christmas and Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <kris@kriskimelphotography.com> 12/5/2016 8:14 AM >>>
FROM:"Kris Kimel <kris@kriskimelphotography.com>

Dear Commissioner;

I am writing to express my opposition to Barton Tuck's proposed rezoning of 35 acres of Killearn Country Club. I live at 3816 Shamrock Street West. Although my house is not adjacent to the club, I support my neighbors whose homes are most affected by the rezoning. Building multi-unit housing there would destroy their property values. Killearn already has an apartment complex and several condominium complexes. The duplexes and apartments on Donovan Drive are poorly maintained and detract from the neighborhood. Traffic exiting Killearn during rush hour is already a problem. Please deny Mr. Tuck's rezoning request. Thank you for your consideration. Kris Kimel

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: kris@kriskimelphotography.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Rezoning
Date: Tuesday, December 06, 2016 10:21:16 AM

Kris,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <kris@kriskimelphotography.com> 12/5/2016 8:14 AM >>>
FROM:"Kris Kimel <kris@kriskimelphotography.com>

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This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Larry Johnston](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Larry Johnston RE: Killearn Application
Date: Wednesday, January 18, 2017 4:53:56 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Larry Johnston [mailto:alj_johnston@aol.com]
Sent: Wednesday, January 18, 2017 4:21 PM
To: Gillum, Andrew
Subject: Killearn Application

January 18, 2017

Re: Killearn Country Club Comprehensive Plan - PCM201702

Dear Commissioners and Staff:

We are long-time residents of Tallahassee. From May 1987 to August 2014, we lived on Brandon Hill Drive in Killearn Estates. Since August 2014, our daughter and her family have lived in the house on Brandon Hill Drive, and we have lived on Sawgrass Circle in the Greens of Killearn. Neither house is on the Killearn Golf Course, but both are across the street from houses that are on the golf course. The Brandon Hill house is across from the Championship course; our current house is across from the North course, also known as the Narrows, which has been closed for about a year. We are not golfers at this time but are social members of the club and have always appreciated and enjoyed the open space provided by the golf courses. They are the crown jewels of the neighborhood.

We would like to comment on the application of Barton N. Tuck, Jr., to amend the city/county comprehensive plan to change the future land use map (FLUM) designations and land use regulations (LDR, or zoning) for parts of the north course. From what we have

seen, the FLUM changes would change more than 40 acres of the north course from "Recreation/Open Space" to approximately 35 acres of Urban Residential (which has a maximum theoretical density of ten dwelling units per acre) and 5 acres of Residential Preservation (six per acre). The zoning application would change the 35 acres from a combination of Residential Preservation 1 (RP-1) and Residential Preservation 2 (RP-2) to Single, Two-Family, and Multi-Family Residential (R-4).

We question the need and motivation for changing the future land use plan for the north course from what it has been all these years. Actually, it doesn't seem to be future land use planning at all. The future land use plan for all these years has been for open space and recreation. The residents of Killearn have relied on that future land plan designation. Many chose to live in Killearn because of the open space and recreation future land use. Many built houses relying on adjacent open space and recreation future land use. These changes are being proposed so that Mr. Tuck can make more money on his land than he has a right to expect, given its long-standing future land use designation. There is no other need for the kind of development being proposed on this property. There is no reason why it would be an especially good fit for the area of Killearn Estates where it is proposed.

We have been told, and you are being told by Mr. Tuck, that he needs these changes so that he can use the proceeds to enhance what will remain of the club. That begs the question why he has not put the necessary money into maintaining the club all along, so that emergency enhancement would not be necessary now. This question has not been answered. It also begs the question why any FLUM changes should be made in reliance on unenforceable promises about what Mr. Tuck will do with the windfall profits he will realize if these changes are made and about what ultimately will be built on the 40 acres. Finally, no one should succumb to the threat these changes are the only option for maintaining golf course use and the Open Space/Recreation on the property.

Turning to the applicable land use criteria, precise judgments about concurrency issues such as traffic, storm water management, and schools understandably cannot be made without more definite information about exactly what will be developed on the property. However, that being the case, the more general judgments that are made at the FLUM change stage must be based on the maximum theoretical densities allowed by the change. In this case, that means the addition of 350 dwelling units on the 35 acres. We question whether it would be responsible to approve that kind of density in that location.

We have been told, and you are being told by Mr. Tuck, as part of the enticement for making these changes, that a conservation easement will be placed on the rest of the north course. Again, no FLUM changes should be approved based on unenforceable representations about a conservation easement. If changes are to be made in reliance on a conservation easement, the details of the conservation easement first must be fixed and clearly enforceable. This should include clear and easy access to this neighborhood amenity.

Finally, while almost too unthinkable to even mention here, under no circumstances should consideration be given to providing road access to any new development on the north course through the Greens of Killearn. That would drastically change and completely destroy the peace and tranquility of that enclave within the golf course area.

In short, it is our hope our elected officials and their staff will protect the interests of those who have relied on the values reflected in the comprehensive plan and reject any changes that would run counter to those values.

Sincerely,

Larry and Irene Johnston
3062 Sawgrass Circle

Sent from my iPad

From: [Bryan Desloge](#)
To: [Larry Johnston](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Application
Date: Wednesday, January 18, 2017 4:33:16 PM

Larry and Irene, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to oppose the project, some to alter it, as well as many who are asking that we approve the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov
>>> Larry Johnston <aljohnston@aol.com> 1/18/2017 4:23 PM >>>
January 18, 2017

Re: Killearn Country Club Comprehensive Plan - PCM201702

Dear Commissioners and Staff:

We are long-time residents of Tallahassee. From May 1987 to August 2014, we lived on Brandon Hill Drive in Killearn Estates. Since August 2014, our daughter and her family have lived in the house on Brandon Hill Drive, and we have lived on Sawgrass Circle in the Greens of Killearn. Neither house is on the Killearn Golf Course, but both are across the street from houses that are on the golf course. The Brandon Hill house is across from the Championship course; our current house is across from the North course, also known as the Narrows, which has been closed for about a year. We are not golfers at this time but are social members of the club and have always appreciated and enjoyed the open space provided by the golf courses. They are the crown jewels of the neighborhood.

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We question the need and motivation for changing the future land use plan for the north course from what it has been all these years. Actually, it doesn't seem to be future land use planning at all. The future land use plan for all these years has been for open space and recreation. The residents of Killearn have relied on that future land plan designation. Many chose to live in Killearn because of the open space and recreation future land use. Many built houses relying on adjacent open space and recreation future land use. These changes are being proposed so that Mr. Tuck can make more money on his land than he has a right to expect, given its long-standing future land use designation. There is no other need for the kind of development being proposed on this property. There is no reason why it would be an especially good fit for the area of Killearn Estates where it is proposed.

We have been told, and you are being told by Mr. Tuck, that he needs these changes so that he can use the proceeds to enhance what will remain of the club. That begs the question why he has not put the necessary money into maintaining the club all along, so that emergency enhancement would not be necessary now. This question has not been answered. It also begs the question why any FLUM changes should be made in reliance on unenforceable promises about what Mr. Tuck will do with the windfall profits he will realize if these changes are made and about what ultimately will be built on the 40 acres. Finally, no one should succumb to the threat these changes are the only option for maintaining golf course use and the Open Space/Recreation on the property.

Turning to the applicable land use criteria, precise judgments about concurrency issues such as traffic, storm water management, and schools understandably cannot be made without more definite information about exactly what will be developed on the property. However, that being the case, the more general judgments that are made at the FLUM change stage must be based on the maximum theoretical densities allowed by the change. In this case, that means the addition of 350 dwelling units on the 35 acres. We question whether it would be responsible to approve that kind of density in that location.

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In short, it is our hope our elected officials and their staff will protect the interests of those who have relied on the values reflected in the comprehensive plan and reject any changes that would run counter to those values.

Sincerely,

Larry and Irene Johnston
3062 Sawgrass Circle

Sent from my iPad

From: [Nick Maddox](#)
To: [Larry Johnston](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Application
Date: Thursday, January 19, 2017 12:58:17 PM

Mr. and Mrs. Johnston,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
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>>> Larry Johnston <alj_johnston@aol.com> 1/18/2017 4:24 PM >>>
January 18, 2017

Re: Killearn Country Club Comprehensive Plan - PCM201702

Dear Commissioners and Staff:

We are long-time residents of Tallahassee. From May 1987 to August 2014, we lived on Brandon Hill Drive in Killearn Estates. Since August 2014, our daughter and her family have lived in the house on Brandon Hill Drive, and we have lived on Sawgrass Circle in the Greens of Killearn. Neither house is on the Killearn Golf Course, but both are across the street from houses that are on the golf course. The Brandon Hill house is across from the Championship course; our current house is across from the North course, also known as the Narrows, which has been closed for about a year. We are not golfers at this time but are social members of the club and have always appreciated and enjoyed the open space provided by the golf courses. They are the crown jewels of the neighborhood.

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given to providing road access to any new development on the north course through the Greens of Killlearn. That would drastically change and completely destroy the peace and tranquility of that enclave within the golf course area.

In short, it is our hope our elected officials and their staff will protect the interests of those who have relied on the values reflected in the comprehensive plan and reject any changes that would run counter to those values.

Sincerely,

Larry and Irene Johnston
3062 Sawgrass Circle

Sent from my iPad

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 9:29:52 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: lswlhs@msn.com [mailto:lswlhs@msn.com]
Sent: Tuesday, February 14, 2017 9:30 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn rezoning

Name: Lauren Weingarden

Street Address: 2664 Nantucket Lane

City: Tallahassee

State: FL

Zip: 32309

Email Address: lswlhs@msn.com

Comments: Though I appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT

ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it.

Calhoun, Sherri

From: laurie.a.davis@centurylink.net
Sent: Thursday, November 10, 2016 10:09 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Laurie
- **Last Name:** Davis
- **Street Address:** 3042 Shamrock St N
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** laurie.a.davis@centurylink.net
- **Comments:** Killearn Estates is a community of approximately 3800 households. The submitted request by Mr. Tuck claims changing the FLUM designation of a portion of the golf course to R-4 meets the minimum requirements for enhancing the community in Leon County with minimal environmental impact. This is hogwash. The distances he outlines in Attachment 10 are completely inaccurate. He claims the CVS is 1.75 miles away, but the Walmart, which is across the street from the CVS, is only 1 mile away. He claims the Publix is 2 miles away when it is more. Did Mr. Tuck or his representative actually compute how far residents have to travel to reach facilities. It doesn't appear so. This misrepresentation of facts is typical of how Mr. Tuck operates. Residents in Killearn Estates do NOT have walkable access to public transport or access to facilities without use of a vehicle. This means development of the property will place an additional 500 to 700+ vehicles on roads not designed, equipped, or meant to handle the type of traffic they are already accommodating (Shamrock Streets North, South, East and West). Mr. Tuck's plan is to put housing for over 1,000 additional people in a neighborhood where people purchased property reflecting the character of a single family home community - not one with sirens from nursing homes or apartment buildings. It is CRITICAL that Mr. Tuck's history be investigated before this matter proceeds any further. He has made promises very similar to the one he is making here (improve golf course facilities with money obtained from sale of land), and YEARS LATER, those communities are still waiting for their improvements. The land in question has drainage issues. How will this be impacted by additional population of this size? Schools may very well be unable to handle additional load. There is a lis pendens already on record and active court cases making their way through the courts. Should the plaintiffs prevail, any sale will be null and void. Mr. Tuck has demonstrated his complete disregard for due process and what is best for the residents and the community as a whole, using the "bait" of a shiny, new clubhouse to rally the support of 200 golfers. What does he care if there are an additional 700 cars speeding in front of our homes at 50 MPH in a 30 MPH zone? What does he care if exiting the neighborhood onto Thomasville Road in the mornings takes ANOTHER 15 minutes? After all, he lives in South Carolina. I speculate his insistence on moving forward despite resistance from the residents this development would affect is because he owes the balance of what I believe was a short-term mortgage he took out, thinking his sale would occur and he would have the money to pay the money back. After all, this is what happened in the other communities he did this in. He did not count on the level of education and commitment the Killearn Estates community has to preserving the character of their neighborhood and protecting their property values. I am hoping those responsible will perform a complete and thorough investigation of this man's motivations and historical actions and will NOT recommend the county and city commissioners vote to make any changes to the FLUM designation for the property in question. It is very tempting to compute

enriching the coffers with any additional tax and other revenue the county and city would obtain from development. However, there are other places to develop. Doing so smack in the middle of the interior of a residential neighborhood is inappropriate. When Mr. Tuck purchased the property, he KNEW it was a golf course and he KNEW how the land was designated. It is not the responsibility of the other 1000 residents of Killlearn Estates to ensure this man's profitability. Wanting to change the zoning to benefit 200 golfers and while negatively impacting thousands of residents is ludicrous. If the golfers and Mr. Tuck want to build a new clubhouse and improve their course, let them come up with solutions themselves. Don't try to turn around the profitability of a business you have bled dry for 40 years on the backs of the people who purchased property of a certain nature and type. I am praying the recommendation to the commissioners will be to NOT vote on any changes to the comprehensive plan to satisfy this man's greed.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:46 AM

From: laurie.a.davis@centurylink.net [mailto:laurie.a.davis@centurylink.net]
Sent: Monday, February 13, 2017 9:13 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission

Project Name/Number: Killearn Country Club / PCM201702

Name: Laurie Davis

Street Address: 3042 Shamrock St N

City: Tallahassee

State: FL

Zip: 32309

Email Address: laurie.a.davis@centurylink.net

Comments: Though I appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing

Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it.

From: [Nick Maddox](#)
To: credit.helper@hotmail.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates Land Use and Zoning Application by N. Barton Tuck, Jr.
Date: Tuesday, December 06, 2016 10:20:01 AM

Ms. Davis,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <credit.helper@hotmail.com> 12/4/2016 11:45 PM >>>
FROM:"Laurie Davis <credit.helper@hotmail.com>

Happy Holidays. Let's celebrate with a road trip to a beautiful neighborhood with lovely people. Each and every one of you are invited to come to see the property Mr. Tuck wants to "rezone" R-4 and sell to a developer to build 350 units upon. Perhaps you will understand WHY so many in our community are vehemently opposed to the County Commissioners approving this application to change the land use designation and zoning.

This land is situated well into the interior of the development. The nearest bus stop, CVS, Publix and WalMart grocery are all OVER 2 miles away (not .75 as Mr. Tuck states in his application). This does NOT support the "flavor" of an urban R-4 community when you MUST have a car to get to life-sustaining services. There is no road to accommodate traffic which will be generated by an additional 350 units, and the ground in that area already floods (when we get rain that is). The heavy equipment needed to construct 350 housing units will destroy the beauty, peace and nature of an entire community.

Mr. Tuck lives in SC. He does not live in Killearn. He honestly cares about NOTHING except milking the course, despite what he may have inferred in any meetings which he or his minions may have already had with you. I wish his golf course was profitable. I always want everyone to make money. If his business isn't operating as

he wants it to, close it or sell it (at the proper price - not the inflated one which he is asking). Do not ruin the property values, lifelong investments and lives of people because you want money.

Come see the land County Commissioners. You will understand. This property's land use needs to stay what the developers intended it to be and ensured it would be by protecting it with detailed documentation in all the plats and covenants - no matter WHAT the Comp Plan says - open recreation space, golf course use. It would not be advisable to tread on the property rights of a community the size of Killearn. It could get quite expensive. Ask your Attorneys.

Oh, one more thing . . . we have a lot of voters in this 3600 home community, and despite its vastness, we all talk to one another, we have LONG memories, know others in all the districts throughout Leon County, and . . . WE VOTE. Here's hoping you'll decide to do the wise thing and reject Mr. Tuck's application and tell him to go back to SC where people drink Kool Aid. Smart folks in Leon County know better.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: ltmartineau@embarqmail.com
Sent: Thursday, November 17, 2016 12:01 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Leah
- **Last Name:** Martineau
- **Street Address:** 4451 Bayshore Circle
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** ltmartineau@embarqmail.com
- **Comments:** The proposed downgrading of land use and zoning requested by Barton N. Tuck (Amendment PCM201702) would have dramatic and long-lasting negative impact on the Tree Harbour neighborhood within Killearn Estates. Our neighborhood consists of about 110 single family homes located opposite Site E, also known as the North Course. Development of a high-density apartment complex opposite the entrance to our neighborhood would have the following consequences for our neighborhood: -Generation of heavy traffic on Bay Shore Drive, a narrow, winding two-lane road designed only for local traffic, and which always has cars parked on both side of the street, effectively making it one-lane. Bay Shore is already being used as a shortcut to Shannon Lakes and then to Thomasville Road. Few observe our 25 mph speed limit. Because of its several blind turns, most of us have experienced close calls with school buses and other vehicles. - A marked increase in runoff into Lake Killarney, already an endangered body of water. Despite the City's installation of culverts and enlarged drainage pipes a few years ago, the lake continues to be a recipient of heavy runoff from the golf course and Kilrush during heavy rains. -Depreciation of our property values and quality of life. Our neighborhood provides affordable housing for seniors, young families, and single moms like myself. Some of the value of our homes is tied to our location across from Lake Killarney and near the golf course. If the value of our homes were to depreciate due, many of my neighbors could not afford to buy other homes. -I chose Tree Harbour because it was a quiet, secluded community with small lots, creating a neighborhood that is cohesive and communal. Having an influx of hundreds of cars and people into our quiet safe haven will completely disrupt our way of life and our safety as we walk our dogs, exercise, and ride our bikes. I urge you to reject Barton Tuck's proposal for land use and zoning changes.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 11:14:31 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: lewiii@mail.com [mailto:lewiii@mail.com]
Sent: Monday, February 13, 2017 10:18 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Golf Course

Name: Lewis Litzinger

Street Address: 4009 Delvin Dr

City: Tallahassee

State: FL

Zip: 32309

Email Address: lewiii@mail.com

Comments: Mr. Tuck's land is his to develop in any legal way he sees fit, but the city streets belong to all of us, and we all must pay to maintain and patrol them. It sounds as if his plans will add AT LEAST 300 more vehicles per day to the traffic on the roads in and around Killearn. After living here for slightly over fifteen years, I have realized that Tallahassee doesn't seem to like planning its traffic patterns, but many municipalities around this country require developers to improve the affected roads, etc., BEFORE they begin construction, rather than let the tax payers foot the bill later. It is hoped that you will at least consider this as one of your responsibilities as you make your decision on this matter.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 9:37:45 AM

From: fbl3584@yahoo.com [mailto:fbl3584@yahoo.com]
Sent: Tuesday, February 14, 2017 9:37 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Golf Course

Name: Linda Franklin

Street Address: 3009 Shamrock St North

City: Tallahassee

State: FL

Zip: 32309

Email Address: fbl3584@yahoo.com

Comments: My name is Linda Franklin. After attending the Planning Commission meeting on last Tuesday I can see how important your job is. If you are not prepared and up to date with the current laws and the Comprehensive plan, the community at large will suffer. One of the best examples was what we heard on the decisions made concerning Sandco and the surrounding neighborhood. The families involved there have truly been harmed by rulings made in the past . What has happened in that neighborhood should never have happened. It sounds like another Erin Brockovich movie. This is why the residents of Killearn are fighting so hard to not let this happen to us. The Comprehensive Plan was created, so growth will have meaning for now and in the future. Mr. Tuck's plans for the North Nine are inconsistent with the Comprehensive Plan, and therefore should not be considered. No spot zoning , NO infill of interior land and NO harm to existing homeowners is allowed. I was most impressed with the knowledge that Mr. Robert Deyle showed. He is an asset to the Planning Commission. This should have all ended Tuesday night when he reminded the Planning Commission that you cannot take property away from property owners to line the pockets of another landowner. To change the zoning of the golf course could forever change Killearn from the community it was always meant to be. If you allow rezoning , there is no guarantee that promises will be kept and improvements made by either Mr. Tuck or his developer. The majority of families in Killearn want a nice golf course and clubhouse with amenities. I feel the people that live in Killearn could and would work together for the good of our community. Mr. Tuck's method has been to divide and conquer. He has been trying turn golf course members against the homeowners by promising them a clubhouse. The Comp Plan must be upheld. Let Mr. Tuck go bankrupt. It is what he has been working on doing for 30 years. If you explore the internet you will see a pattern of his promises and failure to fulfill them. His neglect of KCC has finally caught up with him. If you allow the rezoning you are taking away any chance for our citizens to right his wrongs. .Most of the golf members at KCC are senior citizens and it is time to think of the younger families that will be needed to

put new life and excitement back into our community. Mr. Tuck is only thinking of NOW and how he will benefit and not the future of our community. Regardless of what you have heard from Mr. Tuck or his attorneys, a group of golfers have made an attempt to buy the golf course and were turned away. Why would Mr. Tuck not sell the golf course to members of our community for a fair price when they asked?? GREED He feels he can make a bigger profit if he sells to a developer. Don't let our community reward him for bringing us to this point. Please do not ignore the Comp Plan that protects us to consider rezoning our golf course and take away our property rights. All golf courses are not closing, golf is still a great game and will not ever fade away. This golf course was once great. With new leadership and a new vision it still could serve our community and be something to be proud of again. Let the residents of Tallahassee buy the land at a fair price and make this the neighborhood we can all be proud of. We want to see all 27 holes remain open, a beautiful clubhouse , new pools and tennis courts, young and old golfers passing the love of this game along to their children. This cannot happen if you rezone. Give us a chance to make this a golf course and country club we all would want to be members of, and a place where people want to live , work, and play, in harmony. This vision can be a reality only if Killearn is not rezoned!!!!!!

From: [Bryan Desloge](#)
To: fbl3584@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Killearn Golf Course rezoning
Date: Saturday, November 19, 2016 1:45:02 PM

Linda, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <fbl3584@yahoo.com> 11/18/2016 2:05 PM >>>
FROM:"Linda Franklin <fbl3584@yahoo.com>

Please Do Not even consider rezoning Killearn Golf Course for multiple family and apartment buildings. I built a 3500 sq ft home on a golf course lot, as required, in a high end area of Killearn Estates. Now the owner Barton Tuck, from South Carolina, is trying to ruin our neighborhood by putting multifamily homes on the golf course land in our backyard. Mr Tuck has never done anything to keep up his obligation as the owner of the golf course to keep it up to the standards it should be. He is not a resident of our beautiful city and has no care or interest in doing the right thing for our community.

Killearn cannot handle having 700-1000 extra cars on our roads. The danger alone to the residents is terrifying. We have always had a flooding problem and the addition of what he is planning will be disastrous to Killearn. Mr. Tuck has not been open and honest with anyone in Killearn. He is working behind the scenes to try and convince our local government to slip this by with no concern to the residents. He has never been honest with the people of Killearn.

Killearn was built with the promise of always having a 27 hole golf course for the community. Mr. Tuck has done the same scam in other states with none of his promises ever being fulfilled. He is not to be trusted to ever do what he promises and will leave our city with the results of his bad behavior .

Just consider how you would feel if it was you who had bought a golf course lot, built an expensive home with a beautiful view, to have it taken away, apartments and multi family homes built, and your property values plummet .

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: fbl3584@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Golf Course rezoning
Date: Tuesday, December 06, 2016 10:41:59 AM

Ms. Franklin,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <fbl3584@yahoo.com> 11/18/2016 2:05 PM >>>
FROM:"Linda Franklin <fbl3584@yahoo.com>

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Just consider how you would feel if it was you who had bought a golf course lot, built an expensive home with a beautiful view, to have it taken away, apartments and multi family homes built, and your property values plummet .

This message sent from the Leon County Website: www.leoncountyfl.gov

Linda Owens
2905 Kew Court, Tallahassee, FL

Thank you for the opportunity to speak this evening. My name is Linda Owens. I am a resident of Killearn Estates and a member of Killearn Country Club.

I support the Planning Agency Staff recommendation to approve the request to rezone portions of the Killearn Country Club property.

Killearn Country Club is an integral and important part of our community. Overwhelmingly, Killearn Estate residents and the Killearn Homes Association believe Killearn Estates should remain a golf course community and that an improved and successful Killearn Country Club is critical to all property values in Killearn Estates.

I encourage approval of the request to rezone portions of the Killearn Country Club property.

Thank you for your consideration.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, February 15, 2017 8:41:45 AM

From: lindahowens@yahoo.com [mailto:lindahowens@yahoo.com]
Sent: Tuesday, February 14, 2017 9:20 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702: Killearn Country Club Applicant: Barton N. Tuck Jr.
Name: Linda Owens
Street Address: 2905 Kew Court
City: Tallahassee
State: FL
Zip: 32309
Email Address: lindahowens@yahoo.com

Comments: I encourage the Planning Commissioners to vote in favor of the staff recommendation to approve this project. I am a resident of Killearn Estates and a member of Killearn Country Club. Overwhelmingly, Killearn Estates residents want Killearn Estates to remain a golf course community. The vast majority of Killearn Country Club members support Mr. Tuck's plan to redevelop and revitalize the country club. The proposed project has been thoroughly vetted and Planning Commission staff recommend approval of the project. The land use and zoning of Site E is consistent with other sections of Killearn Estates in close proximity to Site E. This project is consistent with the intent for Killearn Estates to provide a variety of housing options. A thriving and successful country club will enhance the property values of all Killearn Estates homeowners. I believe in Mr. Tuck's honesty and integrity. He has made a good faith effort to work with Killearn Country Club members and the Killearn Homeowners Association as this project has moved forward. I trust the City of Tallahassee's land planning/development review and permitting process and believe the City will hold this project accountable to comply with all appropriate development/construction standards. I encourage the Planning Commission to approve this project.

Calhoun, Sherri

From: ldstorm@comcast.net
Sent: Wednesday, November 16, 2016 11:12 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Lisa
- **Last Name:** Storm
- **Street Address:** 3008 O'Brien Drive
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** ldstorm@comcast.net
- **Comments:** Thank you for your time and allowing our comments and concerns to be heard. We are opposed to the Future Land Use Map changed amendment in Killearn Estates due to the density of the development, the infrastructure, traffic, storm water and most importantly the quality of life. We are concerned about the potential adverse affects it could have on property values as well as the changes in integrity of the existing neighborhood in which we purchased over 20 years ago which was Recreation/Open Space. Please consider these issues when reviewing the proposed changed amendment and what we believed along with the natural beauty of our neighborhood would always be protected.
Sincerely, Lisa Storm

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Opposition Letter re: Killearn Estates Golf Course
Date: Wednesday, January 18, 2017 10:16:24 AM
Attachments: [image001.png](#)

Include in the record.

From: Wilcox, Barry
Sent: Monday, January 16, 2017 12:28 PM
To: White, Artie <Artie.White@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>
Subject: FW: Opposition Letter re: Killearn Estates Golf Course

FYI

Barry Wilcox, AICP, LEED ND AP

Division Manager

Tallahassee-Leon County Planning Dept.

Comprehensive Planning & Urban Design

850.891.6400 • barry.wilcox@talgov.com



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

From: Tedder, Wayne
Sent: Friday, January 13, 2017 8:07 PM
To: Miller, Nancy
Cc: Ingram, M'Lisa; Fernandez, Rick
Subject: Re: Opposition Letter re: Killearn Estates Golf Course

There is no difference between how we treat the Killearn property and a property along Gaines Street as it relates to the provision of adequate infrastructure. All infrastructure systems are typically designed with some excess capacity. However, when enough development occurs and fills the capacity, then you either have to upsize the infrastructure or reduce the development to where capacity exists. The fundamental purpose of development review is to evaluate the impacts created by the new development and adjust as necessary. Our adopted capacity levels for all infrastructure are established in the comp plan. The compressive plan amendment review will indicate where capacity issues may exist.

Wayne Tedder
City of Tallahassee

Assistant City Manager
Development Services and Economic Vitality
(850)891-8328

On Jan 13, 2017, at 5:23 PM, Miller, Nancy <Nancy.Miller@talgov.com> wrote:

Wayne,

I have a question. When developments are approved, all impacts (traffic, runoff, utility service capability, schools, etc.) are assessed and the developer has to develop a plan that addresses those impacts.

One has to ask, what happens when a change such as a significant increase in density like that proposed in changing a golf course or even areas designated in the development agreement as open space occurs? In the example of Killearn, the roads and utilities were designed to a specific buildout. How will the increased load be accounted for, given that no one is going to rebuild the infrastructure?

Nancy Miller
Tallahassee City Commissioner, Seat 3
(850) 891-8179

Sent from my iPad

Begin forwarded message:

From: Lisa Storm <ldstorm@comcast.net>
Date: January 13, 2017 at 4:16:21 PM EST
To: <nancy.miller@talgov.com>
Subject: Opposition Letter re: Killearn Estates Golf Course

Dear Commissioner Miller,

Thank you for your time and allowing us to express our comments and concerns.

As you are aware the City Planning Department has received an application requesting the Future Land Use Map (FLUM) designation in Killearn Estates to be changed from Recreation/Open

Space RP1 and RP2 to Urban Residential and Residential Preservation R-4. As a homeowner on the 7th hole of the Narrows we would be directly impacted by this proposed change if approved. We are asking you to seriously consider the impact it will have not just on our property but the community as a whole.

I have been a Florida licensed REALTOR since 1996 (over 20 years) and a Broker Associate since 2004 and have worked for several real estate attorneys during my career. When we purchased our golf course property we would have never consummated the transaction if we felt the property would diminish in value over time. We relied on the Future Land Use Map (FLUM) designation of RP1 and RP2. Additionally, we understood the FLUM would always supersede any future zoning changes. Changing the zoning would significantly affect the comprehensive FLUM plan and in turn the value and aesthetics of the Killearn

Community. These changes will not only affect our property but the property values within Killearn Estates.

The current infrastructure is not suitable for additional multi-family development and the increase in residents that would accompany this growth. The additional traffic density and road congestion would be detrimental to our community. Please keep in mind that Centerville and Thomasville roads are already congested and will become progressively worse as Welaunee is developed and completed.

Furthermore, development of the golf course could cause similar drainage problems to those encountered after development of the Greens of Killearn. This caused flooding of several of our neighbor's properties necessitating construction of a concrete wall for water diversion. Also, the effluent from this proposed development would further compromise our already polluted lakes and ponds.

We hope that you will keep Killearn Estates a quality, meaningful development and not allow something of this nature to degrade the natural beauty and ambiance of our community.

Sincerely,

Lisa Storm
REALTOR, Broker Associate
BS, GRI, TRC, AHWD, RSPS

From: [Bryan Desloge](#)
To: [Lisa Storm](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Opposition Letter re: Killearn Estates Golf Course zoning changes
Date: Tuesday, January 17, 2017 3:58:22 PM
Importance: High

Lisa, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to oppose the project, some to alter it, as well as many who are asking that we approve the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Lisa Storm" <ldstorm@comcast.net> 1/13/2017 3:41 PM >>>

Dear Commissioner Desloge,

Thank you for your time and allowing us to express our comments and concerns.

As you are aware the City Planning Department has received an application requesting the Future Land Use Map (FLUM) designation in Killearn Estates to be changed from Recreation/Open Space RP1 and RP2 to Urban Residential and Residential Preservation R-4. As a homeowner on the 7th hole of the Narrows we would be directly impacted by this proposed change if approved. We are asking you to seriously consider the

impact it will have not just on our property but the community as a whole.

I have been a Florida licensed REALTOR since 1996 (over 20 years) and a Broker Associate since 2004 and have worked for several real estate attorneys during my career. When we purchased our golf course property we would have never consummated the transaction if we felt the property would diminish in value over time. We relied on the Future Land Use Map (FLUM) designation of RP1 and RP2. Additionally, we understood the FLUM would always supersede any future zoning changes. Changing the zoning would significantly affect the comprehensive FLUM plan and in turn the value and aesthetics of the Killearn Community. These changes will not only affect our property but the property values within Killearn Estates.

The current infrastructure is not suitable for additional multi-family development and the increase in residents that would accompany this growth. The additional traffic density and road congestion would be detrimental to our community. Please keep in mind that Centerville and Thomasville roads are already congested and will become progressively worse as Welaunee is developed and completed.

Furthermore, development of the golf course could cause similar drainage problems to those encountered after development of the Greens of Killearn. This caused flooding of several of our neighbor's properties necessitating construction of a concrete wall for water diversion. Also, the effluent from this proposed development would further compromise our already polluted lakes and ponds.

We hope that you will keep Killearn Estates a quality, meaningful development and not allow something of this nature to degrade the natural beauty and ambiance of our community.

Sincerely,

Lisa Storm
REALTOR, Broker Associate
BS, GRI, TRC, AHWD, RSPS

From: [Nick Maddox](#)
To: [Lisa Storm](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Opposition Letter re: Killlearn Estates Golf Course Zoning Changes
Date: Thursday, January 19, 2017 12:33:05 PM

Ms. Storm,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> "Lisa Storm" <ldstorm@comcast.net> 1/13/2017 3:52 PM >>>

Dear Commissioner Maddox,

Thank you for your time and allowing us to express our comments and concerns.

As you are aware the City Planning Department has received an application requesting the Future Land Use Map (FLUM) designation in Killlearn Estates to be

changed from Recreation/Open Space RP1 and RP2 to Urban Residential and Residential Preservation R-4. As a homeowner on the 7th hole of the Narrows we would be directly impacted by this proposed change if approved. We are asking you to seriously consider the impact it will have not just on our property but the community as a whole.

I have been a Florida licensed REALTOR since 1996 (over 20 years) and a Broker Associate since 2004 and have worked for several real estate attorneys during my career. When we purchased our golf course property we would have never consummated the transaction if we felt the property would diminish in value over time. We relied on the Future Land Use Map (FLUM) designation of RP1 and RP2. Additionally, we understood the FLUM would always supersede any future zoning changes. Changing the zoning would significantly affect the comprehensive FLUM plan and in turn the value and aesthetics of the Killearn Community. These changes will not only affect our property but the property values within Killearn Estates.

The current infrastructure is not suitable for additional multi-family development and the increase in residents that would accompany this growth. The additional

traffic density and road congestion would be detrimental to our community. Please keep in mind that Centerville and Thomasville roads are already congested and will become progressively worse as Welaunee is developed and completed.

Furthermore, development of the golf course could cause similar drainage problems to those encountered after development of the Greens of Killlearn. This caused flooding of several of our neighbor's properties necessitating construction of a concrete wall for water diversion. Also, the effluent from this proposed development would further compromise our already polluted lakes and ponds.

We hope that you will keep Killlearn Estates a quality, meaningful development and not allow something of this nature to degrade the natural beauty and ambiance of our community.

Sincerely,

Lisa Storm
REALTOR, Broker Associate
BS, GRI, TRC, AHWD, RSPS

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Thursday, February 16, 2017 10:05:34 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: Polivkawest@yahoo.com [mailto:Polivkawest@yahoo.com]
Sent: Thursday, February 16, 2017 10:05 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn spot zone rezoning

Name: LuMarie Polivka-West

Street Address: 3186 Shamrock St East

City: Tal

State: FL

Zip: 32309

Email Address: Polivkawest@yahoo.com

Comments: Thank you to the majority PF Planning Commussioners for your vote denying Mr. Tuck's request to change the zoning of targeted areas of Killearn to benefit his sale of properties. We have lived in Killearn for 20 years and our single family home is a major part of our retirement plan. We purchased our home across from the north Narrows golf course purposely for the privacy with only single family homes around us. Now Mr. Tuck wants to upend the zoning protections. He is an absentee landowner who has never put monies into the Country Club as we saw it decline during our time as members. Thank you, the 3 commissioners who voted in the majority, for protection the Comprehensive Land Use Plan and the zoning in place in Killearn.

Listed below are the scheduled workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3050 Shamrock St. N wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Killearn cannot handle the additional traffic from high density development - Shamrock is already virtually a speedway and law enforcement cannot seem to stop it. Current residents deserve the quality of life promised by current zoning, our properties were purchased.
SIGNED *[Signature]*

It is not the city/county responsibility to bail out a man who does not even live here and who has hurt Killearn Self & Country financially by his own poor management — and to do this at the expense of property owners who have invested their hard-earned dollars in our homes is a travesty.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 4:22:17 PM

From: lsnf@aol.com [mailto:lsnf@aol.com]
Sent: Monday, February 13, 2017 4:22 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Country Club

Name: Marc Taps

Street Address: 2058 W Forest Dr

City: Tallahassee

State: FL

Zip: 32303

Email Address: lsnf@aol.com

Comments: My golf group, approximately 30 individuals, strongly favors the proposed comp plan change. In fact, my wife and I plan to purchase a home in Killearn, assuming the plan change is approved and Mr. Tuck is able to improve the club as committed to by him. Mr. Tuck has shown good faith with regard to the club. A first rate club will benefit all homeowners, club members and the Tallahassee community. This was a first-rate club in the past and Mr. Tuck should be given the opportunity to make it so again.

April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.tal.gov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3024 Shamrock South wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

It is detrimental to property values to re-zone land for low cost housing.
It will lower every one else's prop. value to accommodate some one who wants
to increase their property value for resale! Owner could sell property as is.
 SIGNED: Margaret R. Trimmell - These do not rezone!

Could we build apt. houses in our front & back yards to make \$\$?

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 9:24:11 AM

From: mblandford@miltec.com [mailto:mblandford@miltec.com]
Sent: Tuesday, February 14, 2017 9:23 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 Killearn Country Club
Name: Marilyn Blandford
Street Address: 3098 Kiltelman Drive
City: Tallahassee
State: FL
Zip: 32309
Email Address: mblandford@miltec.com

Comments: Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it. NOTICE TO RECIPIENT: This e-mail message is intended only for the individual or entity to which it is addressed and is shared in connection with issues and matters generally affecting the Killearn area as a community news report. Preserve Killearn serves as a means to update and share news and information with and among neighbors. Information is presented in a thoughtful manner on an assortment

From: [Bryan Desloge](#)
To: [Marilyn Blandford](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Ref: Requested Amendment to the Comprehensive Plan 2017
Date: Tuesday, January 17, 2017 1:21:00 PM
Attachments: [ATT00001.png](#)

Marilyn, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to deny the project, some to alter it, as well as those who are in favor of the project. I understand the situation and I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Marilyn Blandford <mblandford@miltec.com> 1/16/2017 4:36 PM >>>
Dear Commissioner:

As a resident of 3098 Kiltaman Drive in the Killearn Estates community of Tallahassee, I am writing to appeal to you to oppose the change in zoning request, by Mr. Barton Tuck of Greenville, SC, the owner of the Killearn Country Club. My husband and I moved here several years ago to make this our retirement home.

Since I know you have been made aware of the proposed changes, and will be voting upon them, I make this appeal for many reasons.

We believe our rights under the covenant that we bought our property are not being honored.

Secondly, the values of all homes in the community will and have plummeted. Traffic will increase dramatically along with sewer and other problems with the amount of building.

Thirdly, in my opinion, knowing the background of the owner, being that our family is from the same community in S. C. and we know the history of the owner, I believe with all my heart he never intends to do the things he has promised. He will profit by selling the land to the developer to put in the cheaper housing.

The forth point I would make is directed at you personally. I feel strongly you love and are committed to leaving your legacy for a better community for future generations. More tract homes and townhouses is not a legacy. However, preserving Tallahassee's first premier community would indeed be one that leaves your mark for all times. Our legacy, if given the right to keep the land as a

premier golfing community is to improve and make it a showplace that it can be.

Best regards,

Marilyn M. Blandford
CEO

mblandford@miltec.com

Miltec UV
146 Log Canoe Circle
Stevensville, MD 21666
410-604-2900



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From: [Marilyn Blandford](#)
To: [Maddox, Nick](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: RE: Ref: Zoning request
Date: Tuesday, December 06, 2016 12:09:36 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Mr. Maddox,

Thank you for your reply to my request. Needless to say, this is a very stressful time for many residents as they rely on the value of their home but more importantly, the impact environmentally and esthetically on the Tallahassee community. That is why we choose the area to retire. When people move to an area, they can have an impact on a community for they bring in other business contacts and bring in other friends who may want to do business in the area or retire or live there as well. Our hope is that one or two people do not capitalized on their investment, but leaves thousands affected negatively.

Best regards,

Marilyn M. Blandford
CEO

mblandford@miltec.com

Miltec UV
146 Log Canoe Circle
Stevensville, MD 21666
410-604-2900



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From: Nick Maddox [<mailto:MaddoxN@leoncountyfl.gov>]
Sent: Tuesday, December 06, 2016 10:28 AM
To: Marilyn Blandford
Cc: Cherie Bryant; Sherri Calhoun
Subject: Re: Ref: Zoning request

Ms. Blandford,

I apologize for the delay in responding, and thank you for contacting me. I will certainly take your comments

into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> Marilyn Blandford <mblandford@miltec.com> 11/16/2016 6:52 PM >>>
Dear Mr. Maddox,

As a resident of 3098 Kiltaman Drive in the Killearn Estates community of Tallahassee, I am writing to appeal to you to oppose the change in zoning request, by Mr. Barton Tuck of Greenville, SC, the owner of the Killearn Country Club. My husband and I moved here several years ago to make this our retirement home.

Since I know you have been made aware of the proposed changes, I make this appeal for many reasons. We believe our rights under the covenant that we bought our property are not being honored.

Secondly, the values of all homes in the community will and have plummeted. Traffic will increase dramatically along with sewer and other problems with the amount of building.

Thirdly, in my opinion, knowing the background of the owner, being that our family is from the same community in S. C. and we know the history of the owner, I believe with all my heart he never intends to do the things he has promised.

The forth point I would make is directed at you personally. I feel strongly you love and are committed to leaving your legacy for a better community for future generations. More tract homes and townhouses is not a legacy. However, leaving open spaces and preserving Tallahassee's first premier

community would indeed be one that leaves your mark for all times.

Best regards,

Marilyn M. Blandford
CEO

mblandford@miltec.com

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From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:16 AM

From: mark@boutinvaluation.com [mailto:mark@boutinvaluation.com]
Sent: Monday, February 13, 2017 7:18 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702

Name: Mark Boutin

Street Address: 2411 Glenshire Lane

City: Tallahassee

State: fl

Zip: 32309

Email Address: mark@boutinvaluation.com

Comments: Hello, I have been playing KCC for over 30 years. My Dad Richard Boutin, Sr, MAI appraised every lot for Killearn Estates back in 1965 to 1970. The golf course was built first by JT Williams and then plated for residential lots to support the country club. This amenity is what made Killearn Estates what it was back in the early 80's and 90's when we had the PGA and LPGA tours playing here. I am finally seeing the older homes in the subdivision being renovated and bought. If the golf course were to close it would be a severe blow to the revitalization of this enormous subdivision that pays a substantial portion of taxes to the COT. Barton Tuck will make KCC great again. This is way over due. Thanks

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:11 PM
To: Mark@boutinvaluation.com
Cc: Bryant, Cherie (Planning); Calhoun, Sherri
Subject: Re: Killlearn golf course
Attachments: Notice PCM201702revised2.doc

Mark, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, as well as those against it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <Mark@boutinvaluation.com> 11/16/2016 9:30 PM >>>
FROM:"Mark Boutin <Mark@boutinvaluation.com>

Time to renovate this great golf course been way too long for us members. Course was here before the subdivision I know my Dad appraised it in the 1960s please help

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: Mark@boutinvaluation.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn golf course
Date: Tuesday, December 06, 2016 10:29:55 AM

Mr. Boutin,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
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www.leoncountyfl.gov

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>>> <Mark@boutinvaluation.com> 11/16/2016 9:30 PM >>>
FROM:"Mark Boutin <Mark@boutinvaluation.com>

Time to renovate this great golf course been way too long for us members. Course was here before the subdivision I know my Dad appraised it in the 1960s please help

This message sent from the Leon County Website: www.leoncountyfl.gov

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning	Local Planning	9:00 AM	Renaissance Center 2nd Floor



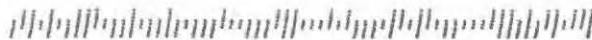
TALLAHASSEE FL 323

07 NOV 2016 PM 3 T



Tall- Leon County Planning Dept
Attn: Comprehensive Planning Division
300 S. Adams St
Tall FL 32301

3230131737



on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

Mark Fahey Amendment # PCM201702

I/We as owner(s) of property at this address: 3017 O'Brien Dr wish the information below to be considered by the Local Planning Agency and the City/County Commissions: I object to the large

development of area E. It will totally change the character of
the area. It will create significant increase in traffic. It
will create down pressure on property values in the area
more so than the current golf course char. already
has.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 4:52:21 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: MaxineL617@gmail.com [mailto:MaxineL617@gmail.com]
Sent: Monday, February 13, 2017 4:40 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Country Club

Name: Maxine Latini

Street Address: 3440 Welwyn Way

City: Tallahassee

State: Florida

Zip: 32309

Email Address: MaxineL617@gmail.com

Comments: If you do not approve the rezoning for the country club then in 4 years we will not have a club. The value of my home, not on the course, will be devalued because I will no longer live in a golf course community. The people fighting this are NOT members and have not contributed to the course at all but want the course to contribute to them. Very one-sided, don't you think? PLEASE pass this rezoning request. I'd love to buy a house in a senior living golf course community as I know many others would too. Thank you for your attention to this very important matter.

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn Country Club
Date: Wednesday, January 18, 2017 10:04:02 AM
Attachments: [image001.png](#)

Please include in the record.

From: Wilcox, Barry
Sent: Tuesday, January 17, 2017 11:46 AM
To: White, Artie <Artie.White@talgov.com>; Bryant, Cherie (Planning) <Cherie.Bryant@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>
Subject: FW: Killearn Country Club

Barry Wilcox, AICP, LEED ND AP

Division Manager

Tallahassee-Leon County Planning Dept.
Comprehensive Planning & Urban Design
850.891.6400 • barry.wilcox@talgov.com



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

From: maxine.latini@aol.com [<mailto:maxine.latini@aol.com>]
Sent: Tuesday, January 17, 2017 10:38 AM
To: Wilcox, Barry
Subject: Killearn Country Club

Dear Mr. Wilcox,

I'm writing to you asking that you support the rezoning of the Killearn Country Club. I empathize with the people living on the north course but if Mr. Tuck isn't able to sell this property to a developer, the ultimate results can be more devastating than a housing development. Mr. Tuck has been working with the Killearn Homeowners Association and they came to an agreement and the KHA dismissed their law suit.

The problem is that the people who are fighting this rezoning are NOT members of the country club, do not financially support the club at all, but insists that we (as members) pay for their golf course view. One thing to remember is that if Mr. Tuck does what he has promised by building a new club house, then the people living on the north will be a stones throw away from the premier county club of

Tallahassee which I believe will increase the value of their homes.

Please vote for the rezoning so that Killearn Country Club can attract new members and Killearn Estates will remain a golf course community.

Thank you for your time,

Maxine Latini

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: maxine.latini@aol.com
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Maxine Latini RE: Killearn Country Club
Date: Wednesday, January 18, 2017 5:06:23 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: maxine.latini@aol.com [mailto:maxine.latini@aol.com]

Sent: Tuesday, January 17, 2017 10:34 AM

To: Gillum, Andrew

Subject: Killearn Country Club

Dear Mr. Mayor,

I'm writing to you asking that you support the rezoning of the Killearn Country Club. I empathize with the people living on the north course but if Mr. Tuck isn't able to sell this property to a developer, the ultimate results can be more devastating than a housing development. Mr. Tuck has been working with the Killearn Homeowners Association and they came to an agreement and the KHA dismissed their law suit.

The problem is that the people who are fighting this rezoning are NOT members of the country club, do not financially support the club at all, but insists that we (as members) pay for their golf course view. One thing to remember is that if Mr. Tuck does what he has promised by building a new club house, then the people living on the north will be a stones throw away from the premier county club of Tallahassee which I believe will increase the value of their homes.

Please vote for the rezoning so that Killearn Country Club can attract new members and Killearn Estates will remain a golf course community.

Thank you for your time,

Maxine Latini

From: [Bryan Desloge](#)
To: maxine.latini@aol.com
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Fwd: Re: Killearn Country Club
Date: Tuesday, January 17, 2017 11:40:23 AM

My apologies - I failed to copy the Planning Department staff on my response to you.

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Bryan Desloge 1/17/2017 11:34 AM >>>

Maxine, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests to deny the project, some to alter, as well as those like yours who are in favor of the project. I thank you for the specific reasons you provided for your request for the approval of the project. I understand the situation and I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <maxine.latini@aol.com> 1/17/2017 10:28 AM >>>

Dear Commissioner,

I'm writing to you asking that you support the rezoning of the Killearn Country Club. I empathize with the people living on the north course but if Mr. Tuck isn't able to sell this property to a developer, the ultimate results can be more devastating than a housing development. Mr. Tuck has been working with the Killearn Homeowners Association and they came to an agreement and the KHA dismissed their law suit.

The problem is that the people who are fighting this rezoning are NOT members of the country club, do not financially support the club at all, but insist that we (as members) pay for their golf course view. One thing to remember is that if Mr. Tuck does what he has promised by building a new club house, then the people living on the north will be a stone's throw away from the premier county club of Tallahassee which I believe will increase the value of their homes.

Please vote for the rezoning so that Killearn Country Club can attract new members and Killearn Estates will remain a golf course community.

Thank you for your time,

Maxine Latini

From: [Nick Maddox](#)
To: maxine.latini@aol.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Thursday, January 19, 2017 12:41:03 PM

Ms. Latini,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <maxine.latini@aol.com> 1/17/2017 10:30 AM >>>

Dear Commissioner,

I'm writing to you asking that you support the rezoning of the Killearn Country Club. I empathize with the people living on the north course but if Mr. Tuck isn't able to sell this property to a developer, the ultimate results can be more devastating than a housing development. Mr. Tuck has been working with the Killearn Homeowners Association and they came to an agreement and the KHA dismissed their law suit.

The problem is that the people who are fighting this rezoning are NOT members of the country club, do not financially support the club at all, but insist that we (as members) pay for their golf course view. One thing to remember is that if Mr. Tuck does what he has promised by building a new club house, then the people living on the north will be a stone's throw away from the premier county club of Tallahassee which I believe will increase the value of their homes.

Please vote for the rezoning so that Killearn Country Club can attract new members and Killearn Estates will remain a golf course community.

Thank you for your time,

Maxine Latini

From: Silvia.Alderman@akerman.com
To: [Calhoun, Sherri](#)
Cc: [Wilcox, Barry](#)
Subject: FW: Killearn Country Club
Date: Thursday, January 19, 2017 6:48:52 PM

Silvia Morell Alderman

Board Certified by the Florida Bar in State & Federal Government and Administrative Practice
Akerman LLP | Suite 1200 | 106 East College Avenue | Tallahassee, FL 32301
Dir: 850.425.1627 | Main: 850.224.9634 | Fax: 850.325.2527
silvia.alderman@akerman.com

[vCard](#) | [Bio](#)



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From: timothy edmond [mailto:edmondgroup.tde@gmail.com]
Sent: Tuesday, January 17, 2017 11:49 AM
To: Alderman, Silvia (Ptnr-Tlh)
Subject: FW: Killearn Country Club

[One more.](#) Tim.

From: maxine.latini@aol.com [mailto:maxine.latini@aol.com]
Sent: Tuesday, January 17, 2017 10:35 AM
To: edmondgroup.tde@gmail.com
Subject: Killearn Country Club

Dear Sir,

I'm writing to you asking that you support the rezoning of the Killearn Country Club. I empathize with the people living on the north course but if Mr. Tuck isn't able to sell this property to a developer, the ultimate results can be more devastating than a housing development. Mr. Tuck has been working with the Killearn Homeowners Association and they came to an agreement and the KHA dismissed their law suit.

The problem is that the people who are fighting this rezoning are NOT members of the country club, do not financially support the club at all, but insists that we (as members) pay for their golf course view. One thing to remember is that if Mr. Tuck does what he has promised by building a new club house,

then the people living on the north will be a stones throw away from the premier county club of Tallahassee which I believe will increase the value of their homes.

Please vote for the rezoning so that Killearn Country Club can attract new members and Killearn Estates will remain a golf course community.

Thank you for your time,

Maxine Latini

From: degennaro020@comcast.net
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Saturday, December 03, 2016 8:18:49 PM

- **Amendment:** PCM201701 Map
- **First Name:** Michael
- **Last Name:** DeGennaro
- **Street Address:** 2930 Shamrock St S.
- **City:** Tally
- **State:** FL
- **Zip:** 32309
- **Email Address:** degennaro020@comcast.net
- **Comments:** I strongly oppose the Urban Residential/R-4 zoning application for Killearn Estates.

From: [Nick Maddox](#)
To: degennaro020@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Zoning
Date: Tuesday, December 06, 2016 10:15:54 AM

Mr. DeGennaro,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <degennaro020@comcast.net> 12/3/2016 8:22 PM >>>
FROM:"Michael DeGennaro <degennaro020@comcast.net>

I strongly oppose the Urban Residential/R-4 zoning application for Killearn Estates.

This message sent from the Leon County Website: www.leoncountyfl.gov

Calhoun, Sherri

From: m.illers@centurylink.net
Sent: Thursday, November 17, 2016 2:09 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Michael
- **Last Name:** Illers
- **Street Address:** 3872 Paddrick Drive
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** m.illers@centurylink.net
- **Comments:** I am a resident of Killearn Estates, own a residence on the former "North Course" and am a long time (29 years) member of Killearn Country Club. I support the rezoning submitted as long as there is an appropriate buffer on the North end of Site E. There are many condos, zero lot line homes and apartments within a short distance of Site E. Only a few (21 by my count) single family homes North of Site E are impacted and a buffer would mostly eliminate the exposure to any new development.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:39 AM

From: m.illers@centurylink.net [mailto:m.illers@centurylink.net]
Sent: Monday, February 13, 2017 8:23 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702: Killlearn Country Club

Name: Michael Illers

Street Address: 3872 Paddrick Drive

City: Tallahassee

State: Florida

Zip: 32309

Email Address: m.illers@centurylink.net

Comments: I have owned a home on the recently closed North nine for 29 years and fully support the rezoning of the parcel for development. The rezoning is consistent with adjacent properties such as the Greens of Killlearn, Pebble Creek, Kilrush and Kenilwood. This rezoning would promote the infill of vacant land within the city limits. Any traffic concerns have been mitigated by the closure of the Inn and the elimination of the corresponding traffic. I have not noticed any decrease in property values as I recently had my home appraised and the value was not impacted by the closure of the North nine or this rezoning. Values have been impacted by short sales in recent years.

Calhoun, Sherri

From: moodym@gtlaw.com
Sent: Wednesday, November 16, 2016 10:48 PM
To: Miller, Nancy
Cc: Fernandez, Rick; Ingram, M'Lisa
Subject: Re: Hello Commissioner Miller

Thank you! My address is 4039 Kilmartin Drive. I made a complaint via code enforcement via facsimile. A few neighbors have spoken to folks as well and made complaints, and I can find out names they have spoken with. I am told the apartment complex type facility behind the green on No. 2 made contact with the city and so did KHA. The response seems to be that this is a no mans land that is out of everyone's control. It seems to me that the provisions of the code that deal with lands not designated as conservation lands must apply, and that there must be some city approved plan for this lake to have ever been constructed. Thus the city must be able to require it be maintained. Thank you so much for your email and all that you do. You are a great representative of our city.

Sent from my iPhone

> On Nov 16, 2016, at 8:42 PM, Miller, Nancy <Nancy.Miller@talgov.com> wrote:

>

> Mike,

> Apparently this property and the pond belong to the golf course owner and is under his control. If it were a homeowner's private yard, it should be under the jurisdiction of Code Enforcement, but as it is a golf course, I'm not sure. I will look into it and it would be helpful to me if you can share who you have spoken to at the city or what department you talked to so that I can follow the trail. Surely the owner has some level of responsibility for the appearance of this property whether it is a closed golf course or not. Also I need your address.

>

> As to the Comp Plan, the amendment process is extensive, with a number of public hearings and commission workshops covering many months. Please contact the Planning Department and request that they notify you of each public hearing. If you have trouble finding the number, please call my aide, M'Lisa Ingram, at 891-8179 and she will help you.

>

> Nancy Miller

> Tallahassee City Commissioner, Seat 3

> (850) 891-8179

>

> Sent from my iPad

>

>> On Nov 16, 2016, at 3:29 PM, "moodym@gtlaw.com" <moodym@gtlaw.com> wrote:

>>

>> Commissioner Miller,

>>

>> I hope you are doing well. I'm one of the residents who lives on the closed "North Course" of the Killearn Country Club. While I have a list of concerns generally about the proposed comprehensive plan amendment for Killearn, the concern I am writing you about is more narrow. In short, we have a problem with the maintenance of the pond behind our home, and neither the Killearn Home Owners Association nor the City of Tallahassee have responded to numerous complaints about the condition of the pond from myself and my neighbors.

>>

>> My home is located off of No. 2 green on the closed course. This green is supposed to be surrounded by a manicured waste water pond. One picture of the pond from when the course was open is attached. Since the course's closure, the

pond that is supposed to be surrounding the green has become stagnant, filled with debris and garbage, and overgrown with vegetation. Two pictures of the swamp-like pond as it exists today are attached for comparison to how it appeared when the course was open.

>>

>> As a result of the swamp-like condition we have had to endure not only unsightliness, but also a much higher number of snakes and mosquitos in the area. My wife and I found no less than 3 snakes inside of our home in the last month, and my neighbors have each experienced similar problems with snakes inside and around their homes.

>>

>> Many of my neighbors have explained to me that they have filed complaints regarding the pond with both the Killearn Home Owners Association and to the City of Tallahassee. I am also told that the Killearn Home Owners Association in turn directly filed a code enforcement complaint with the City regarding this pond. However, it appears that all of these complaints have hit dead ends. According to the Executive Director of the Killearn Home Owners Association, and several board members I spoke with, the response from the City of Tallahassee was that the City could not mandate the condition of this pond because the land was unplatted. Further, the Killearn Home Owners Association said it could not do anything more to help since the former golf course lands are not lands the KHA can control.

>>

>> In short, I think everyone agrees this pond is a problem, but nobody seems to want to step up and require something to happen to fix it. You always do an outstanding job as our commissioner, and I figured if anyone knew who to contact, or how to get this moving, it would be you.

>>

>> In addition, I'll be happy to summarize my concerns regarding the proposed comprehensive plan amendment by separate email or discussion, if it would be of value to you. Based on the number of folks who appeared at a Killearn Home Owners' meeting last night regarding the comp plan changes, I am certain you will be hearing from plenty of folks in the near future.

>>

>> Thanks!

>>

>>

>> - Mike

>>

>> Michael Moody

>> Associate

>> Greenberg Traurig, P.A. | 101 East College Avenue | Tallahassee, FL

>> 32301

>> Tel: 850.222.6891

>> Direct: 850.425.8544

>> moodym@gtlaw.com<mailto:moodym@gtlaw.com> |

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

>>

>> [Greenberg Traurig]

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>> STRATEGIC ALLIANCE WITH AN INDEPENDENT LAW FIRM MILAN · ROME PLEASE

>> CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

>>

Calhoun, Sherri

From: mbachtel1@gmail.com
Sent: Monday, November 14, 2016 8:57 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Michelle
- **Last Name:** Bachtel
- **Street Address:** 3011 Shamrock North
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** mbachtel1@gmail.com
- **Comments:** We bought our house in 2011 on a golf course expecting it would remain as the covenants state as a recreational open space. The proposed zoning changes as described (Site E) are incompatible with the terms under which our property was purchased, and we have every right to expect that future land use will be maintained in this fashion. Otherwise, our property rights are being taken against our will. In addition, the increase in traffic and congestion will destroy the character of Killearn.

From: [Bryan Desloge](#)
To: [Michelle Bachtel](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn
Date: Saturday, December 31, 2016 12:59:50 PM

Michelle, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record for the Comp Plan meetings.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests to approve the project, some to alter it, as well as those like yours, who are opposed to the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you! Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Michelle Bachtel <mbachtel1@gmail.com> 12/26/2016 11:34 AM >>>

Dear Brian,

I am adamantly opposed to any changes in the comprehensive plan and rezoning for the Killearn Country Club Golf course. This is a proposed theft. The golf course owner, by his own admission in the application, wants to increase the value of his property by stealing value from homeowners.

In 2011, when I moved from Moore Pond, I did so to live on a golf course. If this proposal is approved, the value of some 400 homes on the North nine will be adversely affected, losses that will trickle down to everyone in Killearn Estates, as home values are replicated in sales appraisals. The Killearn Homes Association is not being an advocate for myself nor hundreds other homeowners in Killearn Estates.

The request to rezone the golf property to multi-family would add hundreds of cars to our neighborhood, jeopardizing public safety. You are the only thing that can hold off this threat to our way of life.

I trust you will side with taxpaying, voting homeowners and not an out of town businessman who has not reinvested in his property since taking ownership.

Sincerely,

Dr. Michelle Bachtel

3011 Shamrock Street North (#8 Hole)

From: [Nick Maddox](#)
To: [Michelle Bachtel](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn
Date: Thursday, January 19, 2017 12:17:01 PM

Dr. Bachtel,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> Michelle Bachtel <mbachtel1@gmail.com> 12/26/2016 11:36 AM >>>

Dear Commissioner Maddox,

I am adamantly opposed to any changes in the comprehensive plan and rezoning for the Killearn Country Club Golf course. This is a proposed theft. The golf course owner, by his own admission in the application, wants to increase the value of his property by stealing value from homeowners.

In 2011, when I moved from Moore Pond, I did so to live on a golf course. If this proposal is approved, the value of some 400 homes on the North nine will be adversely affected, losses that will trickle down to everyone in Killearn Estates, as home values are replicated in sales appraisals. The Killearn Homes Association is not being an advocate for myself nor hundreds other homeowners in Killearn Estates.

The request to rezone the golf property to multi-family would add hundreds of cars to our neighborhood, jeopardizing public safety. You are the only thing that can hold off this threat to our way of life.

I trust you will side with taxpaying, voting homeowners and not an out of town businessman who has not reinvested in his property since his taking ownership.

Sincerely,

Dr. Michelle Bachtel
3011 Shamrock Street North (#8 Hole)

From: [Bryant, Cherie \(Planning\)](#)
To: [Calhoun, Sherri](#)
Cc: [Wilcox, Barry](#); [White, Artie](#); [Thomas, Debra](#)
Subject: FW: A Citizen Inquiry from Talgov.com - Killearn Rezoning
Date: Tuesday, January 31, 2017 4:13:40 PM

For the record.

From: Miller, Nancy
Sent: Tuesday, January 31, 2017 4:09 PM
To: tlhdoglover@gmail.com
Subject: RE: A Citizen Inquiry from Talgov.com - Killearn Rezoning

Thank you for writing to me with your concerns about the proposed changes to the north nine of the Killearn Golf Course. We have received numerous emails and phone calls expressing a variety of points, opinions and fears. I appreciate your taking time to share your thoughts and ask that you please continue to stay engaged over the next several months through the community discussion offered by the Comp Plan amendment process as all possible impacts and issues are evaluated. Changes will most certainly occur during that process.

As a Killearn resident, I am familiar with the neighborhood and have been watching this proposal unfold for more than 18 months. Through January, I've been in discussions on the project daily, most recently meeting with about 30 residents in a private home. At that time I was made aware of the developer's planner that spoke. As a result, I notified the City Manager and the Planning Director of the resident's concerns about a conflict of interest. I have been assured that the planning commission member will recuse himself and be unable to vote on this project. Additionally, the planning director intends to clarify the title and employer's names of any who address the audience.

It is important to recognize that the Comprehensive Plan amendment process has only just begun. There will be several opportunities for public input and a number of chances to further express your concerns. Here is a link to the schedule of public meetings to be held as part of the Comprehensive Plan Process:

<http://www.talgov.com/planning/planning-compln-2017.aspx>. Your participation is important as Planning Department staff complete the analysis work and attempt to address as many of the concerns as possible before the item is brought to the City and County Commission workshops and public hearings. The process, dictated by Florida Statute, is intended to result in an item that is well vetted, with an outcome that is supported by the majority of those impacted. It should also ensure more certainty going forward.

Again, thank you for taking the time to express your concerns. Your input is important and helpful to me.

Nancy Miller

Commissioner Nancy Miller
City of Tallahassee, Seat 3

300 S. Adams Street
Tallahassee, FL 32301
Nancy.Miller@talgov.com
850-891-8179

From: tlhdoglover@gmail.com [<mailto:tlhdoglover@gmail.com>]

Sent: Tuesday, January 31, 2017 12:21 PM

To: Miller, Nancy <Nancy.Miller@talgov.com>

Subject: A Citizen Inquiry from Talgov.com - Killearn Rezoning

FROM: tlhdoglover@gmail.com

DATE: 01/31/2017 12:20:57 PM

SUBJECT: Killearn Rezoning

Dear Mayor and City Commissioners: I am a resident of Killearn Estates. Below please find the content of a letter letter to you regarding my concerns about the proposed rezoning of property within Killearn. In addition, I am concerned about the process by which the City is obtaining information from Killearn “residents” and developers. My understanding is that at the last hearing at City Hall, the wife of a member of the planning commission apparently spoke at the meeting as if she was representing the interest of the city and gave that impression to most of the people who attended. Her relationship was not disclosed at the meeting. Yet, she is apparently an engineer who works for developers involved in the Killearn proposed rezoning/development project(s). I am appalled by this unethical conflict of interest. If this is indeed the way in which the City operates, then I have no hope for the integrity of the process. I do hope that you will take the time to read my letter and seriously weigh the concerns of myself and other Killearn residents who are negatively impacted by these developments.

Dear Mayor and City Commissioners: As a resident in the “Greens of Killearn” subdivision of Killearn Estates, I am disturbed by any potential for rezoning in the Killearn development. I purchased my home for two reasons: 1) I wanted to live on a golf course and 2) I liked the feel of the Greens neighborhood. The Greens is a small neighborhood that follows a loop with White Ibis on one side and Sawgrass Circle on the other side. The neighborhood is secluded and the two roads (White Ibis and Sawgrass Circle) are narrow by design. The outer homes of the loop reside on the North Golf Course (i.e., the Narrows) and there is open land at the end of Sawgrass Circle. Because of the secluded nature of the neighborhood, residents walk a lot and enjoy the aesthetic appeal. Due to Mr. Tuck’s unilateral activities, I no longer live on a golf course. Yet, I paid to live on a golf course; that amenity factored into my purchase price. Now, if the rezoning occurs, the Greens will no longer have its secluded and park-like feel, another draw that influenced the price I paid when purchasing. The changes that have already occurred and the rezoning that has been proposed have already negatively affected the value of my home, not to mention my enjoyment of living in what was a lovely neighborhood. It has been aesthetically pleasing to drive down Kilmartin Drive, which feeds into the Greens, and look at the vast land that was the first fairway. If the land is rezoned as proposed, that view will no longer exist. It is my understanding that Mr. Tuck would like to sell the land that was part of the North Course that is adjacent to Kilmartin for development. If this occurs, any possibility of the North Course returning will be eliminated. Mr. Tuck’s desire to rezone the land that is near the current golf club as R4 will further diminish any desirability to reside in the Greens. If the land is rezoned

as R4, access roads will be required. Many residents of the Greens (including myself) are concerned that the land at the end of Sawgrass Circle will be used to provide access to the rezoned property. This would result in greatly increased traffic to the residents of the Greens and neighboring streets (e.g., Kilmartin Dr.). In addition, it would become very dangerous for pedestrians. The feel of the neighborhood would be completely eroded. It is also my understanding that the residents of O'Brien Dr. and those who live at the end of Sawgrass Circle are concerned about the potential for flooding as these residents live much lower than the area that I understand Mr. Tuck would like to have rezoned as R4. It is important to note that the Killearn Country Club consists of some members who live in Killearn and others who DO NOT. The desires of those from outside communities should not be given the same weight as the concerns of Killearn residents. This group, of course, does not care about the rezoning of property, because they will only come to the club and then return to their homes in other communities outside of Killearn. As a consequence, they will not have to bear the burdens that rezoning will bring to Killearn homeowners. In my opinion, Killearn was ignored by the City during the aftermath of Hurricane Hermine. Also, many of us in Killearn were the last to have power restored after the storm this past Sunday. The rezoning to R4, in my opinion, will only exacerbate existing problems by resulting in more residents, more potential for crime, and more potential traffic and flooding woes. If Killearn is currently ignored, what can we expect in the future? In my opinion, a complete erosion of the neighborhood. Finally, Killearn Estates is the largest residential community in Leon County, and the Commission's decision regarding rezoning is being watched closely by many. If the land is rezoned, it will greatly influence the voting decisions of myself and many of my neighbors in the next election. Please consider voting "NO" to the rezoning efforts by Mr. Tuck. Best regards, JT

From: [Nick Maddox](#)
To: brian.sheedy@tmh.org
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: "Narrows" rezoning Killearn
Date: Tuesday, December 06, 2016 10:32:40 AM

Mr. and Mrs. Sheedy,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <brian.sheedy@tmh.org> 11/17/2016 8:58 AM >>>
FROM:"J Brian Sheedy/Wende Sheedy <brian.sheedy@tmh.org>

Please reject Mr. Barton Tuck's attempt to negatively impact our mature neighborhood where my family and I have lived for decades.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: [Connie Ewing](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Thursday, January 19, 2017 12:17:49 PM

Ms. Ewing,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
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>>> "Connie Ewing" <csitz@embarqmail.com> 12/28/2016 10:02 AM >>>

Dear Sir or Madam:

Over a year ago, the members of Killearn CC voted and signed an agreement with the property owner to build a new club that will **enhance** the whole community of Killearn and raise property value for everyone not just a few. These few **who may be affected are not willing** to see the big picture **because of their** selfish view. They are the ones who bought in **on the North course** when housing market peaked. If prices have gone down, just maybe it had to do with housing recession, and not that a golf course will not be in their backyard. Three years from now no one will remember a golf course. O'Brien is one of the elitist streets in Killearn and people will buy for the homes **& location, not because it is on a golf course.**

KCC Owner,

Mr. Tuck, should have the right to choose what he does with his property. He may decide to not do anything & close the **club if this nonsense legal battles continue.** Killearn will go down not being a golf "community. "

I have lived in Tallahassee since 1961. **I married a local and we just celebrated our 50th**

wedding anniversary. Our three children chose to stay in Tallahassee and are raising our eight grandchildren here. We moved to the Bradfordville area when it was a one store community owned by the Rheibergs. Now the town has come to us. I am a member of KCC. I play golf. It will be a great loss to Members, Killearn community and Tallahassee should the club close. Please do not let this happen. I have watched this year the number of homes being renovated and younger families moving in to this great community. Please don't let the community down by voting down this great opportunity to create an even better Club which is the hub of Killearn.

Connie Ewing, Member of Killearn Country Club

From: [Nick Maddox](#)
To: ddraper32309@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: homeowners in Myers Park, Woodland Drives, Seminole Drive and Indian Head Acres
Date: Thursday, January 19, 2017 12:23:17 PM

Mr. Draper,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also. Remember please that the vote goes before them first as this is their land and does not belong to the County.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
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>>> <ddraper32309@yahoo.com> 1/2/2017 5:46 PM >>>
FROM:"David Joseph Draper <ddraper32309@yahoo.com>

This is very much like the gas station nobody wanted in the eastside of the county. This house idea began when City planners came up with the concept for the property after getting informal inquiries from developers and their representatives for a year and a half. Did they talk to the people who live in the area during that time?? Why have those developer names not been released? If they are going to dictate public land use, then the people of Tallahassee have a right to know who there are!.

This neighborhood is full of beautiful red brick homes, were mostly elderly citizens are living. This neighborhood is under attack by weak politicians and greedy developers. Multiplex apartments are pushing in from the south to house Florida A&M University students. These hastily built, cheap wood apartments are destroying the nature of the neighborhood. If FAMU Architecture students need practice on designing homes they said do it west of South Monroe. There are plenty of run down houses and lots of land that need revitalizing.

How can City Commissioners even think about approval of such a large unwanted development? Proposing to sell off a 9.5-acre piece of property across the street from Myers Park under its current market value of \$1.7

million, in order to build apartments with a density of about 10.5 housing units per acre in an area with a current density of 3-4 single family homes per acre, is ludicrous.

Commissioners are you selling the people out who voted for you, for the people who paid for your campaigns? If so, I find that I have time on my hands to defeat this unwarranted land grab and will do everything possible to see it denied. You should do everything possible to preserve the neighborhood and the citizens who live there.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: [FRED WATERMAN](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club Proposal
Date: Thursday, January 19, 2017 12:48:28 PM

Mr. Waterman,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
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>>> "FRED WATERMAN " <pfh20man@embarqmail.com> 1/17/2017 6:28 PM >>>

Please read the attached letter in support of Mr. Tuck's proposal.

From: [Nick Maddox](#)
To: egearly@gmail.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn County Club - PCM201702
Date: Wednesday, December 07, 2016 12:10:19 PM

Mr. and Mrs. Early,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <egearly@gmail.com> 12/7/2016 10:35 AM >>>
FROM:"Gary & Kristin Early <egearly@gmail.com>

December 7, 2016

Re: Killearn Country Club Comprehensive Plan - PCM201702

Dear County Commissioners;

We are residents of Tallahassee, having lived here collectively for more than 60 years. We live on the 8th hole of the Killearn C.C. North Course. We are therefore directly affected by Barton N. Tuck, Jr.'s desire to radically amend the City/County Comprehensive Plan for the 35 acre "Recreation/Open Space" parcel abutting our home to the entirely incompatible "Urban Residential" designation.

We purchased what we intended to be our last home in October, 2011. When we were searching for our home, we were looking for a location with openness and natural beauty. When we discovered our home, we paid a premium price, well in excess of what we would have paid for a home elsewhere in Killearn, to live on the Killearn Golf Course. We understand (now) that there was no guarantee that the golf course would operate in perpetuity -- though given that Killearn is the most stable and well-known course in Tallahassee,

that was our general hope and expectation. However, regardless of whether the course was open, we understood - and relied on - the City and County's commitment to us as citizens that we could expect the land adjacent to our home would remain recreation/open space as established in the Comprehensive Plan.

The Killearn neighborhoods around N. Shamrock, Kenmare Ct., O'Brien Dr., and Kilmartin Dr. are among the most stable in Tallahassee. There have been no changes in surrounding land uses that might warrant a dramatic change as proposed by Mr. Tuck. This is not a case in which more dense land uses have gradually encroached on recreation and open spaces, thereby diminishing their open space use and value. Rather, the request is a naked attempt by Mr. Tuck -- who purchased the property knowing its comprehensive plan and zoning designations -- to disregard the property interests of those who relied on the City and County's promise as reflected in its comprehensive plan, its zoning, and its approval of the Killearn subdivision plats, and to maximize the value of his investment through the diminishment of ours and our neighbors'. Mr. Tuck does not want to invest some of his own fortune to improve his golf course, which went to seed under his ownership. Rather, he wants to sell the open space property, use the proceeds to enhance the value of the remainder of his holdings, build a grossly incompatible development, and by so doing disrupt and devalue the economics and aesthetics of the surrounding homeowner's investments.

Section 163.3161(4), which establishes the intent and purpose of comprehensive planning, provides that: It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

The Vision Statement and Implementation section of the City's Comprehensive plan stresses that 'the community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible, healthy growth of Tallahassee and Leon County,' and that 'the purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens.'

The proposal by Mr. Tuck would sacrifice the beneficial goals of comprehensive planning and the numerous homeowners who relied on the City's actions for the profit of one absentee property owner. That Mr. Tuck purchased the property knowing full well the limitations and restrictions on its use should not be overlooked or disregarded by City officials.

We understand that the City planning staff will be reviewing issues of traffic, stormwater, school infrastructure and the like in its evaluation. We trust that the City staff will recognize the impacts on transportation and stormwater infrastructure of converting 35 acres of open space land to a dense, largely impervious development as would be allowed by the development of up to 350 living units (or even the 210 units that would be allowed under RP-2 zoning). A simple attempt to negotiate the roundabouts in the area at certain times of day will show the folly of adding hundreds and hundreds of additional cars to the traffic load. In addition, I reminded the planning staff during the November 17, 2016 open house that the City recently spent several million dollars in stormwater improvements on N. Shamrock, a City investment that would be as certainly jeopardized by Mr. Tuck's proposal as the surrounding homeowners' investments.

In short, it is our hope as citizens of the City of Tallahassee that our elected officials and their staff will protect the interests of those who have relied upon the word of the City as reflected in its comprehensive plan, and reject the call by Mr. Tuck to approve his incompatible and damaging proposal.

We look forward to continued participation in the comprehensive plan and zoning process, and would very much like to speak with you in person if possible.

Sincerely
Gary and Kristin Early

(Our street address is confidential pursuant to section 119.071(4)(d)2.e., Fla. Stat., but we will be happy to provide it to you if necessary)

P.S. - Last night, I attended the Killlearn Homeowners' Association meeting. The issue of the "non-binding mediation agreement" was raised. During the November 17 open house, it was clear that planning staff took that letter as an expression of the KHA's agreement with Mr. Tuck's proposal. The KHA Board affirmed that the letter was to have NO effect, and their counsel was instructed to provide the City with a letter confirming its lack of effect or agreement. The fact that Mr. Tuck obviously provided the letter to staff, likely waving it like a victory flag, should give you a sense of the nature of the homeowners' dealings with him. He is, depending on his audience, willing to bully, cajole, flatter, or prevaricate to achieve his ends. We ask that you not allow this out-of-state developer to use his considerable and well-funded lobbying effort to ram his incompatible change in land use through the City to the detriment of your fellow Tallahasseeans.

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 11:16:14 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: jcogiermathewes@comcast.net [mailto:jcogiermathewes@comcast.net]
Sent: Monday, February 13, 2017 11:15 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Project

Name: Ogier Mathewes

Street Address: 3045 Sawgrass Circle

City: Tallahassee

State: FL

Zip: 32309

Email Address: jcogiermathewes@comcast.net

Comments: I would like to open the North Course because my home value has decreased and will decrease further if homes are build behind me

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 2:57:08 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: PGMCL7@GMAIL.COM [mailto:PGMCL7@GMAIL.COM]
Sent: Monday, February 13, 2017 1:51 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Country Club/PCM201

Name: P.G. McLaren

Street Address: 3069 Fermanagh Drive

City: Tallahassee

State: Florida

Zip: 32309

Email Address: PGMCL7@GMAIL.COM

Comments: One of the ways in which further residential development within Killearn will affect residents remote from any such development is in increased traffic flows on existing streets. There are already bottlenecks at the junctions of Shamrock and Centerville, and Killarney and Thomasville. Any increase in residents will simply make the rush hour delays at these bottlenecks more of a problem. Obviously, high density development will have a bigger effect than single family development. One assumes that the original zoning distributions took into account the resulting traffic flows and any suggested change to the zoning should therefore take into account the effect on such flows. The effect may be such that zoning changes should not be allowed.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 5:00:15 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: path20man@gmail.com [mailto:path20man@gmail.com]
Sent: Monday, February 13, 2017 5:00 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 Killearn Country Club Applicant: Barton N. Tuck Jr

Name: Pat Waterman

Street Address: 2795 AJ Henry Pk Dr

City: Tallahassee

State: FL

Zip: 32309

Email Address: path20man@gmail.com

Comments: My husband Fred, and I strongly support this project that Barton Tuck has before the Tallahassee Planning Board. It is an important issue that I hope you see that without the ability to make these changes to zoning, the needed improvements to the Country Club cannot be made and the whole of Killearn Estates could be in jeopardy in the years ahead. Please look at the project as a positive asset for our community. Thank you for your complete attention to this very important and crucial issue.

From: [Bryan Desloge](#)
To: pfh20man@embarqmail.com
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Fwd: Killearn CC Proposal
Date: Wednesday, January 18, 2017 4:39:44 PM
Attachments: [January 17.docx](#)

Fred, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "FRED WATERMAN " <pfh20man@embarqmail.com> 1/17/2017 6:16 PM >>>

Please see the attached letter of support for Mr. Tuck's proposal.

January 17, 2017
2795 A J Henry Park Drive
Tallahassee, FL 32309
(850)491-4464

Honorable Comissioner:

This is written to express my support for Mr. Tuck's plan to make much needed changes to assure that the Killearn Country Club will be able to survive and be a tremendous asset to all the residents of the Killearn HOA. Failure to make needed changes will result in the eventual collapse of the Killearn CC. Those of us who live in Killearn will lose a tremendous asset that will impact the value of homes and impact the quality of our lives.

As you well know, the golfing industry is retracting. There are courses closing at an alarming rate all over the country. This is due to over building in recent decades and the declining numbers of active golfers. Investing in the golf business has declined as a result. What is happening at the Killearn CC mirrors what is happening in the golfing industry. When Killearn CC expanded to 27 holes, there were over 1500 members. The membership today is around 500. There was not enough play on the North course to justify keeping it open.

Since Mr. Tuck has resumed management, there has been a tremendous improvement in the remaining 18 holes. He has hired additional staff, purchased all new equipment and provided extra funding for maintenance. He also replaced the dilapidated golf carts with new ones. Since we have been members, the course has never been in such splendid condition. The greens are magnificent and the fairways are in excellent shape. Members who have played other courses in the area report that the Killearn course is in much better shape than most of the other local courses.

The Killearn CC buildings are at the end of their useful life and need to be replaced immediately. They are beyond repair. Mr. Tuck has put into place the only viable plan to provide funding to replace them. It is rumored that the land to be sold will be for an age limited adult living community. If this is accurate, many of the current membership have expressed that they would love to have such a facility available to them when the time comes in their life they want to down size and still be near the golfing facility.

Mr. Tuck has signed a covenant assuring that the remaining 18 holes remain a golf course for many years. However, if the club house is not replaced in the near future, it will be impossible to fiscally keep the club operational. A new club house would assure that current members remain and attract new members from some of the large housing projects being developed near Killearn. In addition, a modern club would be an asset to the non-golfers in Killearn.

The opposition to Mr. Tuck's plan has saddened me. I understand that most of them lost golf front housing. However, that was going to happen eventually if the changes were not made and changes were long over-due. Most of them will have green space behind their properties which is an asset. They represent a small minority of those who will be impacted and have used misinformation, intimidation, and slander to make their case. We have personally been a recipient. They represent a small minority. We are especially upset with the way they slandered Mr. Tuck and his reputation. We have found him to be honorable and has kept his word to the membership throughout the process.

In closing, I would like to say that we are a part of 95% of the Killearn CC membership who voted to implement Mr. Tuck's plan. We urge your support for Mr. Tuck's much needed plan to revitalize the Killearn CC so it may operationly remain for future decades. Failure to support will result in the eventual failure of this wonderful community asset.

Sincerely,

Fred and Pat Waterman

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 07, 2017 8:38:41 AM

From: pacurtis117@gmail.com [mailto:pacurtis117@gmail.com]
Sent: Monday, February 06, 2017 8:19 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702: Killlearn Country Club

Name: Patricia A. Curtis

Street Address: 3061 Bay Shore Drive

City: Tallahassee

State: FL

Zip: 32309

Email Address: pacurtis117@gmail.com

Comments: The proposed land use and zoning requested by Barton N. Tuck could have long-lasting negative impact on Tree Harbour, a neighborhood of about 110 single family homes located opposite/west of Site E, also known as the North Course. Those impacts include: • Generation of heavier traffic on Bay Shore Drive, a narrow, winding two-lane road without sidewalks designed only for local traffic. Bay Shore is already used as a shortcut to Shannon Lakes and then to Thomasville Road. Because of its several blind turns, most of us have experienced close calls with school buses and other vehicles. The proposed zoning change could result in construction of 225 multi-family units, generating up to 550 vehicles and more than a 1,000 new trips—many of which might come down Bay Shore Drive, increasing danger to pedestrians. • A sharp increase in runoff into Timber Lake and Lake Killarney, already an endangered body of water. Despite the city's installation of culverts and enlarged drainage pipes a few years ago, both lakes continue to be recipients of heavy runoff from the golf course and other uphill properties. The proposed development could add more pollutants to these water bodies and increase the potential for flooding of adjacent properties along Timber Lake. I strongly recommend that no change be made to the current FLUM designation unless future development is limited to a Planned Unit Development which would allow for requirements for onsite storm water retention, control of ingress and egress to the complex to route traffic away from Bay Shore Drive and other protections for adjoining neighborhoods.

Calhoun, Sherri

From: pacurtis117@gmail.com
Sent: Tuesday, November 15, 2016 1:38 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Patricia
- **Last Name:** Curtis
- **Street Address:** 3061 Bay Shore Drive
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** pacurtis117@gmail.com
- **Comments:** The proposed downgrading of land use and zoning requested by Barton N. Tuck (Amendment PCM201702) would have dramatic and long-lasting negative impact on Tree Harbour, a neighborhood of about 110 single family homes located opposite Site E, also known as the North Course. I've lived happily in Tree Harbour for nearly 20 years, secure in the knowledge that my home and neighborhood were protected by the Killearn Golf Course from heavy traffic and future development. Now, my so-called "golden years" are threatened by a proposal that could ultimately result in construction of 350 apartment units immediately across from the entrance to Tree Harbour. Development of a high-density apartment complex would have the following consequences for me and my neighbors:
 - Generation of heavy traffic on Bay Shore Drive, a narrow, winding two-lane road designed only for local traffic. Bay Shore is already being used as a shortcut to Shannon Lakes and then to Thomasville Road. Few observe our 25 mph speed limit. Because of its several blind turns, most of us have experienced close calls with school buses and other vehicles.
 - A sharp increase in runoff into Lake Killarney, already an endangered body of water. Despite the city's installation of culverts and enlarged drainage pipes a few years ago, the lake continues to be a recipient of heavy runoff from the golf course and Kilrush during heavy rains.
 - Depreciation of our property values and quality of life. Our neighborhood provides affordable housing for seniors like me, young families buying their first homes and others. Some of the value of our homes is tied to our location across from Lake Killarney and near the golf course. If the value of our homes were to depreciate, many of us could not afford to buy other homes. There are simply too few affordable housing options in Tallahassee and none I've found that offer an equivalent quality of life to what we have in Tree Harbour. Further, Tuck's proposal would forever change the nature of the entire north end of Killearn, one of the first planned unit developments in Florida and a model for the rest of the state. We look to our land use plan and zoning regulations to protect our neighborhoods. Why would city and county officials allow a development that would cause so much damage to our community for the sake of one man's profit? I urge you to reject these proposed comp and zoning ordinance amendment requests. Thank you.

From: [Bryan Desloge](#)
To: [Pat Curtis](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: Re: Oppose Barton Tuck Rezoning Request for Killearn Golf Course Tract
Date: Saturday, November 19, 2016 1:57:19 PM
Attachments: [Notice_PCM201702revised2.doc](#)

Patricia, thank you for contacting me about this issue and providing the detail you offer. This comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department held an Open House Thursday afternoon to take comment from the public on the proposed plan. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record. Although this will come before both the City and County Commission's, the City will have jurisdiction.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Pat Curtis" <pacurtis117@gmail.com> 11/15/2016 5:27 PM >>>
Dear Commissioner Desloge:

The proposed downgrading of land use and zoning requested by Barton N. Tuck (Amendment PCM201702) would have dramatic and long-lasting negative impact on Tree Harbour, a neighborhood of about 110 single family homes located opposite Site E, also known as the North Course.

I've lived happily in Tree Harbour for nearly 20 years, secure in the knowledge that my home and neighborhood were protected by the Killearn Golf Course from heavy traffic and future development. Now, my so-called "golden years" are threatened by a proposal that could ultimately result in construction of 350 apartment units immediately across from the entrance to Tree Harbour. Development of a high-density apartment complex would have the following consequences for me and my neighbors:

- **Generation of heavy traffic on Bay Shore Drive, a narrow, winding two-lane road designed only for local traffic.** Bay Shore is already being used as a shortcut to Shannon Lakes and then to Thomasville Road. Few observe our 25 mph speed limit. Because of its several blind turns, most of us have experienced close calls with school busses and other vehicles.
- **A sharp increase in runoff into Lake Killarney, already an endangered body of water.** Despite the city's installation of culverts and enlarged drainage pipes a few years ago, the lake continues to be a recipient of heavy runoff from the golf course and Kilrush during heavy rains.

- **Depreciation of our property values and quality of life.** Our neighborhood provides affordable housing for seniors like me, young families buying their first homes and others. Some of the value of our homes is tied to our location across from Lake Killarney and near the golf course. If the value of our homes were to depreciate, many of us could not afford to buy other homes. There are simply too few affordable housing options in Tallahassee and none I've found that offer an equivalent quality of life to what we have in Tree Harbour.

Further, Tuck's proposal would forever change the nature of the entire north end of Killarney, one of the first planned unit developments in Florida and a model for the rest of the state. We look to our land use plan and zoning regulations to protect our neighborhoods. Why would city and county officials allow a development that would cause so much damage to our community for the sake of one man's profit?

I am depending on you to look out for my welfare and that of my Tree Harbour neighbors. I hope I can count on you to vote against these proposed land use changes.

Sincerely,
Patricia A. Curtis
3061 Bay Shore Drive
Tallahassee, FL 32309

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:32 AM

From: tricia5488@gmail.com [mailto:tricia5488@gmail.com]
Sent: Monday, February 13, 2017 8:18 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702: Killlearn Country Club Applicant: Barton N. Tuck Jr
Name: Patricia Illers
Street Address: 38
City: Tallahassee
State: FL
Zip: 32309
Email Address: tricia5488@gmail.com

Comments: I live on the North 9 and am in favor of Mr. Tuck's proposal. I think that an 18 hole course with upgraded facilities and amenities will increase the value of all homes in Killlearn Estates. I had much rather have this than the possibility of closing all 18 holes. Having heard the opinion of several realtors in the are, home values have not been adversely affected as many have claimed. Again, I request that you vote for Mr. Tucks' proposal.

From: jenji224@aol.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Saturday, February 18, 2017 1:14:02 PM

- **Amendment:** PCM201701 Map
- **First Name:** Patricia
- **Last Name:** Radulovich
- **Street Address:** 2949 Shamrock N. #31
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** jenji224@aol.com
- **Comments:** I am the owner of a townhouse directly adjacent to the property that is being considered for re-zoning. I object to this proposal for the following reasons. 1. This would increase storm water runoff behind my home considerably. There is already a problem during heavy rain events in that water from the country club pours down Tyron Pass like a raging torrent. This is evident by looking at the badly eroded road in its current condition. It shoots water into my backyard after excessive downpours that occur more frequently than in the past. This problem will only be exacerbated if the zoning is changed to allow more runoff from impermeable surfaces. 2. Since buying my townhome almost 20 years ago, traffic in and out of Killearn Estates has gotten progressively worse at each of the entrances. The proposed rezoning will make an almost untenable situation worse. 3. The owner says he will improve the country club if the rezoning and building is allowed to occur. Anecdotal observations suggest otherwise. The decline of the country club and golf course seems to correlate with when the current owner bought this property. We have nothing but his word that the changes will benefit the country club or the current residents of Killearn Estates. 4. One of the reasons I bought my townhome is the green space behind it. It never occurred to me that this property would be developed since Killearn has more or less been built out since the 1970's. I believe that this rezoning will diminish the neighborhood aesthetically and will lower my property value as well as quality of life. These are the primary reasons I object to this proposal.

Calhoun, Sherri

From: forshay@polaris.net
Sent: Thursday, November 17, 2016 3:32 PM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** Paul
- **Last Name:** Forshay
- **Street Address:** 3413 Aqua Ridge Way
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** forshay@polaris.net
- **Comments:** I am a member of Killearn Country Club. I have been a member since 1992 and having been a traveling man, have seen many golf clubs, both public and private and understand that the buildings now existing at Killearn are badly in need of removal and replacement. The economic situation facing all golf club owners today requires “thinking outside the box” to raise capital and cut costs in operations to continue to operate. Killearn is no exception, and Barton Tuck has done his “thinking”. Mr. Tuck has come up with a plan that makes sense for the club, the members, the Killearn Community, and the City of Tallahassee. We don’t want to lose this beautiful land to development or unused land should this club ever go bankrupt. Golf course closures from financial instability totaled 800 in the U.S. over the last 10-year period. This plan is the way to keep Killearn Country Club from being included in future closure counts. Therefore, I am favoring this plan even as I know that there will be a few homeowners that will be affected by this zoning. The benefits of the many, however, outweigh the displeasure of the few. Please do what is best for the many.

Amendment # PCM201702

I/We as owner(s) of property at this address: 4044 KILMARTIN DR. wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

I hereby request that impact studies (environmental, economic, transportation, and community) be completed before any decision is made about zoning

SIGNED: Paul L. Wilkens
(resident of Killearn
for 45 years)



TALLAHASSEE FL 323

12 JAN 2017 PM 2 L



Tallahassee - Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams St
Tallahassee, Florida
3:



Paul L. Wilkens, Ph.D.
Professor Emeritus

College of Business
Florida State University
Tallahassee, Florida 32306-1110

Office: (850) 644-7851
FAX: (850) 644-7843

E-mail: pwilken@garnet.acns.fsu.edu

RETIRED

32301+1731 C004

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Randall Ray](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Randall Ray RE: Killearn
Date: Wednesday, January 18, 2017 5:08:22 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

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

From: Randall Ray [<mailto:randallgray@comcast.net>]
Sent: Monday, January 16, 2017 2:14 PM
To: Gillum, Andrew
Cc: LWilkey@KillearnCountryClub.com
Subject: Killearn

Mr. Mayor

I am in Denver Colorado so I'm unable to attend the meeting in regard to the plans for renovation of Killearn country club. Please know that I am in complete support Mr. Tuck's plan for renovation.

Randy Ray
Member

Sent from my iPhone

From: [Bryan Desloge](#)
To: [Randall Ray](#)
Cc: LWilkey@KillearnCountryClub.com; [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn
Date: Tuesday, January 17, 2017 2:07:32 PM

Ray, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Randall Ray <randallgray@comcast.net> 1/16/2017 2:07 PM >>>
Bryan,

I am in Denver Colorado so I'm unable to attend the meeting in regard to the plans for renovation of Killearn country club. Please know that I am in complete support Mr. Tuck's plan for renovation.

Randy Ray
Member

Sent from my iPhone

From: [Nick Maddox](#)
To: [Randall Ray](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn
Date: Thursday, January 19, 2017 12:36:19 PM

Mr. Ray,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> Randall Ray <randallgray@comcast.net> 1/16/2017 2:10 PM >>>
Commissioner,

I am in Denver Colorado so I'm unable to attend the meeting in regard to the plans for renovation of Killearn country club. Please know that I am in complete support Mr. Tuck's plan for renovation.

Randy Ray
Member

Sent from my iPhone

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 8:41:23 AM

From: webmaster@talgov.com [mailto:webmaster@talgov.com]
Sent: Monday, February 13, 2017 7:47 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702

Name: Paul Forshay

Street Address: 3413 Aqua Ridge Wy

City: Tallahassee

State: FL

Zip: 32309

Email Address: Forshay

Comments: As a Homeowner in Killearn Estates and a member of Killearn Country Club Since 1992, Iam concerned that some members of the City Commision that have already spoken out about the rezoning proposed by Barton Tuck to save KCC. This rezoning has got to be supported. The alternative is that while there are the screamers that live on the 9 holes that HAVE ALREADY BEEN CLOSED to fight Mr Tuck to hamper this process. They have filed numerous lawsuits, some of which have already thrown out and now are storming the Planning Commision to again block this necessary action. In their blind fight, they apparently do not believe that this action is the last option that Mr. Tuck has to save ALL OF THE GOLF COURSE and club. What will happen in terms of the course shutting down is catastrophic, not only for Killearn Estates, but for the COT also. To close down a golf course like Killearn, will not be saying much for businesses looking to move a business here. It's unthinkable. I appeal to you to approve Mr. Tuck's plan.


**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19	Planning	Second Public	5:30 PM	Renaissance Center 2 nd Floor

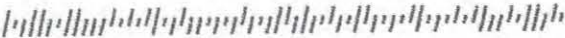
 Ms. Rebecca Hurlbut
3049 Corrib Dr.
Tallahassee, FL 32309-3305

TALLAHASSEE FL 323

20 NOV 2016 PM 1 1

*Tallahassee - Leon County Planning
Attn: Comprehensive Planning
300 South Adams Street
Tallahassee, FL 32301*

32301+1731



RECEIVED
DEC 11 A 8:57
TALLAHASSEE-LEON COUNTY

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 **Fax: (850) 891-6404**

Amendment # PCM201702

I/We as owner(s) of property at this address: Rebecca S. Hurlbut wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Impact on property values as well as the integrity of the neighborhood.
SIGNED: Rebecca S. Hurlbut

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

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January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30.PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7	Local Planning	Local Planning		

Renee Adriane
3042 Fernwood Drive
Tallahassee, FL 32309

TALLAHASSEE FL 323

07 NOV 2016 PM 3 L

Tallahassee - Leon County Planning Dept.
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301

32301#1731

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 4:34:10 PM

From: rob@tribellc.com [mailto:rob@tribellc.com]
Sent: Monday, February 13, 2017 4:34 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Country Club

Name: Rob Atkisson

Street Address: 4536 Timberloch Dr

City: Tallahassee

State: FL

Zip: 32309

Email Address: rob@tribellc.com

Comments: Dear Commissioners, I'm writing you in support of the proposed Killearn Country Club redevelopment. The Killearn Estates area is one of Tallahassee's oldest and finest neighborhoods, however it is aging much like it's #1 amenity the Killearn Country Club. An 18 hole updated golf course and country club will much better serve the neighborhood property values than a closed down 27 hole golf course with no amenities to attract homebuyers. While it's a highly contested debate, the proposed redevelopment is the best option for the future of Killearn Estates and survival of Killearn Country Club.

From: [Bryan Desloge](#)
To: rsmurrell@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Rezoning of Killearn Country Club Property
Date: Wednesday, January 18, 2017 3:05:34 PM
Importance: High

Robert and Carol, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

>>> <rsmurrell@comcast.net> 1/18/2017 12:47 PM >>>

Dear Commissioner Desloge,

We am writing regarding the rezoning of property currently owned by Killearn Country Club. As I am sure you are aware, proceeds from sale of this property will be reinvested into the golf club. We know there is concern about development of this property and the resultant impact this development will have on the current homeowners.

We understand these concerns but I also feel that, if these funds are not made available for investment in the club, Killearn Country Club is doomed to fail and the resultant failure of this club would have a much more severe impact on the community than a nicely done, high density, residential development – perhaps something like an over age 50 adult development.

We urge you to allow the rezoning of this property with reasonable limits on the density.

Sincerely,
Robert and Carol Murrell
5394 Pembridge Place,
Tallahassee, FL 32309
Ph. 893-7021

Sent from [Mail](#) for Windows 10

From: [Nick Maddox](#)
To: rsmurrell@comcast.net
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Rezoning of Killearn Country Club Property
Date: Thursday, January 19, 2017 12:56:01 PM

Mr. and Mrs. Murrell,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <rsmurrell@comcast.net> 1/18/2017 12:57 PM >>>
Dear Commissioner Maddox,

We are writing regarding the rezoning of property currently owned by Killearn Country Club. As we are sure you are aware, proceeds from sale of this property will be reinvested into the golf club. We know there is concern about development of this property and the resultant impact this development will have on the current homeowners.

We understand these concerns but I also feel that, if these funds are not made available for investment in the club, Killearn Country Club is doomed to fail and the resultant failure of this club would have a much more severe impact on the community than a nicely done, high density, residential development – perhaps something like an over age 50 adult development.

We urge you to allow the rezoning of this property with reasonable limits on the density.

Sincerely,

Robert and Carol Murrell
5394 Pembridge Place,
Tallahassee, FL 32309
Ph. 893-7021

Sent from [Mail](#) for Windows 10

From: prolaborpower@yahoo.com
To: [CMP_PLN_AMND](#)
Cc: [Calhoun, Sherri](#)
Subject: 2017 Comp Plan Public Comment Submission
Date: Saturday, December 03, 2016 1:20:14 PM

- **Amendment:** PCM201701 Map
- **First Name:** Robert
- **Last Name:** Janda
- **Street Address:** 3029 Obrien Drive
- **City:** Tallahassee
- **State:** Florida
- **Zip:** 32309
- **Email Address:** prolaborpower@yahoo.com
- **Comments:** I oppose the Killearn Estates golf course rezoning effort.

From: [Bryan Desloge](#)
To: prolaborpower@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates golf course rezoning
Date: Tuesday, December 06, 2016 4:02:59 PM

Robert, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, some to alter, as well as those like yours who are not in favor of the project. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you! Merry Christmas and Happy New Year!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <prolaborpower@yahoo.com> 12/3/2016 1:21 PM >>>
FROM:"Robert Janda <prolaborpower@yahoo.com>

I oppose this rezoning effort

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: prolaborpower@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates golf course rezoning
Date: Tuesday, December 06, 2016 10:13:14 AM

Mr. Janda,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

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>>> <prolaborpower@yahoo.com> 12/3/2016 1:21 PM >>>
FROM:"Robert Janda <prolaborpower@yahoo.com>

I oppose this rezoning effort

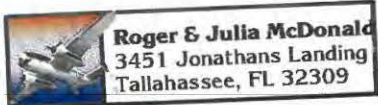
This message sent from the Leon County Website: www.leoncountyfl.gov

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.



TALLAHASSEE FL 323

15 NOV 2016 PM 2 L

Tallahassee-Leon Co. Planning Dept.
Attn: Comprehensive Planning Div.
300 South Adams Street
Tallahassee, FL 32301

32301+1731

at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

**Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404**

Amendment # PCM201702

I/We as owner(s) of property at this address: 3451 Jonathans Landing wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

We oppose the rezoning of SITE E to any designation permitting higher density of development. Please retain RP designation due to traffic and noise concerns.

SIGNED:

Roger McDonald Julia McDonald

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 2:08 PM
To: mctrips@yahoo.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killlearn CC Rezoning
Attachments: Notice PCM201702revised2.doc

Roger and Julia, thank you for contacting me about this issue. This comp plan amendment will come before the City and County with our next review. I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that your comments will be entered as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to approve the project, to alter, or as with you and your wife to not approve it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> <mctrips@yahoo.com> 11/17/2016 7:16 AM >>>
FROM:"Roger McDonald <mctrips@yahoo.com>

Commissioners;

I oppose the re-zoning as presented. I see no reason to increase the population density of the Narrows areas through rezoning. I live at the corner of Jonathans Landing and Golf Course/Tyron surrounded by the golf course, trees and detached single family homes. The addition of more single family homes as my neighbors would be acceptable but NOT apartments. I have many concerns over increasing the density along Golf Course/Tyron Road from Shamrock North to the country club such as noise and traffic. This area should maintain the current zoning to maintain housing in the same likeness as the long established Pebble Creek subdivision. Increasing the density with apartments, for example, would result in significant devaluation of my property.

Respectfully,
Roger & Julia McDonald

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Nick Maddox](#)
To: mctrips@yahoo.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn CC Rezoning
Date: Tuesday, December 06, 2016 10:31:36 AM

Mr. and Mrs. McDonald,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> <mctrips@yahoo.com> 11/17/2016 7:16 AM >>>
FROM:"Roger McDonald <mctrips@yahoo.com>

Commissioners;

I oppose the re-zoning as presented. I see no reason to increase the population density of the Narrows areas through rezoning. I live at the corner of Jonathans Landing and Golf Course/Tyron surrounded by the golf course, trees and detached single family homes. The addition of more single family homes as my neighbors would be acceptable but NOT apartments. I have many concerns over increasing the density along Golf Course/Tyron Road from Shamrock North to the country club such as noise and traffic. This area should maintain the current zoning to maintain housing in the same likeness as the long established Pebble Creek subdivision. Increasing the density with apartments, for example, would result in significant devaluation of my property.

Respectfully,
Roger & Julia McDonald

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 11:26:11 AM

From: bigfry36@embarqmail.com [mailto:bigfry36@embarqmail.com]
Sent: Tuesday, February 14, 2017 11:25 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killear Golf Course
Name: Ronald and Joanna Frydrychowski
Street Address: 3085 Shamrock St. North
City: Tallahassee
State: Florida
Zip: 32309-2727
Email Address: bigfry36@embarqmail.com

Comments: Dear Commissioners: Though we appreciate the Commissioners who encouraged the parties to come together this past week, we haven't heard a PEEP out of Mr. Tuck, Mr. Tuck's attorney, Mr. Tuck's developer/consultants, or the Killearn Homeowners Association regarding any results from their unasked for and unauthorized mediation with Mr. Tuck. Therefore, the Planning Commissioners must consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement and greed should not be rewarded by the Planning Commissioners or City by providing him with up zoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT ZONING in its most blatant form. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use

Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a clear message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood, regardless of whether or not they realize it. This is our neighborhood and community we have lived in for 31 years. It has grown and become better in all these years, why change it when we do not want it, we live here and know what is best for us, thanks. Ronald and Joanna Frydrychowski

From: [Bryan Desloge](#)
To: [Russ Morcom](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn
Date: Wednesday, January 18, 2017 4:28:20 PM

Russ, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to approve the project, some to alter it, as well as those who are asking that we oppose the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Russ Morcom <rmorcom@comcast.net> 1/18/2017 4:25 PM >>>
Dear Brian,

I've belonged to Killearn since 2002 and have enjoyed playing there. With what appears to be a declining membership, they have done an amazing job of keeping the course in good shape. Unfortunately, the facilities are showing their age and need replacing. Mr Tuck, the owner, has put together a plan which would provide new facilities that would greatly improve the club and add value for the members and the Killearn neighborhood in general. However, there are those that do not like his plans and are doing their utmost to keep him from doing what needs to be done to maintain a viable operation. I am not sure what their end game is, but I feel like their mis-guided efforts could eventually end up destroying the club. If that happens, many of us will find an alternative place to play, but the Killearn neighborhood will be without a treasured amenity and become the ultimate losers.

So, I'd like to ask for your support of Mr Tuck when the time comes. However, if you are presented with facts that make me the one mis-guided, then I trust you to do the right thing.

Best regards,

Russ Morcom

From: [Nick Maddox](#)
To: [Russ Morcom](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Thursday, January 19, 2017 12:59:33 PM

Russ,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

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>>> Russ Morcom <rmorcom@comcast.net> 1/18/2017 4:27 PM >>>
Dear Nick,

I've belonged to Killearn since 2002 and have enjoyed playing there. With what appears to be a declining membership, they have done an amazing job of keeping the course in good shape. Unfortunately, the facilities are showing their age and need replacing. Mr Tuck, the owner, has put together a plan which would provide new facilities that would greatly improve the club and add value for the members and the Killearn neighborhood in general. However, there are those that do not like his plans and are doing their utmost to keep him from doing what needs to be done to maintain a viable operation. I am not sure what their end game is, but I feel like their mis-guided efforts could eventually end up destroying the club. If that happens, many of us will find an alternative place to play, but the Killearn neighborhood will be without a treasured amenity and become the ultimate losers.

So, I'd like to ask for your support of Mr Tuck when the time comes. However, if you are presented with facts that make me the one mis-guided, then I trust you to do the right thing.

Best regards,

Russ Morcom

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 07, 2017 11:45:08 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: ryan.wetherell@gmail.com [mailto:ryan.wetherell@gmail.com]
Sent: Tuesday, February 07, 2017 11:42 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: Killearn Estates/Killearn Country Club

Name: Ryan Wetherell

Street Address: 2337 Kilkenney Drive East

City: Tallahassee

State: FL

Zip: 32309

Email Address: ryan.wetherell@gmail.com

Comments: As a resident of Killearn Estates and former member of Killearn Country Club, I want to go on the record of not currently being opposed to changes being contemplated at the Killearn Country Club. It is my opinion at this time that the plan, as I understand it, can be implemented in a well thought out fashion that is beneficial to the Country Club, the ownership of the club, and the neighborhood as a whole. As a former member, I know the club house, driving range area, and the 9-holes known as the narrows well. I always enjoyed those 9-holes, but I also recognize the need to raise funds to improve the facilities on site to remain competitive with other Clubs and communities in Tallahassee, as well as reduce the number of holes/areas to be maintained. I appreciate the concerns and anxiety of my neighbors, but I trust this board, and the City Commission will make an approval that

provides the necessary mechanisms to ensure the Club ownership delivers on the promises of improvements that compliment the changes desired to generate capital. Thank you for considering the interest of both the Club and its ownership, as well as the Killearn Estates neighborhood.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Tuesday, February 14, 2017 2:52:05 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: sbsaminole@gmail.com [mailto:sbsaminole@gmail.com]
Sent: Tuesday, February 14, 2017 2:01 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702 - Killearn Country Club

Name: Sam Bennett

Street Address: 3308 Dry Creek Drive

City: Tallahassee

State: Florida

Zip: 32309

Email Address: sbsaminole@gmail.com

Comments: Respectfully request Planning Commissioners consider the information below and vote to deny Mr. Tuck's application. The Planning Commission must focus on the issues they are responsible for, and NOT on saving the golf course. The land owner's mismanagement should not be rewarded by the Planning Commissioners or City by providing him with upzoning, so he can achieve an inflated price. By approving Mr. Tuck's application, you would be giving preferential treatment to one parcel at the expense of the zoning schemes of all. This is SPOT ZONING. Approving rezoning of this parcel will create an enclave in an existing neighborhood, and this is NOT PERMITTED under the Comprehensive Plan. Approving this application will contradict the intent of the Comprehensive Plan Vision Statement which states the integrity of existing neighborhoods is

the goal. Decreasing the property values OF OVER 100 PROPERTIES adjacent to the property in question does NOT maintain the integrity of the entire neighborhood. Approving this application will HARM our environment and neighborhood in many ways, both financially and environmentally. Land Use Policy 2.1.1 prohibits encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. Approving this application is inconsistent with the Housing Element Objective which requires fostering and maintaining viability of residential areas and neighborhoods and the integrity of the housing stock located within them. There is no legal means to implement deployment of transitional development areas between the neighborhoods zoned RP and the proposed higher density residential development R-4 the applicant seeks. Building higher density residences (up to 10 per acre) next to low density ones will have a harmful effect. This application is inconsistent with the Comprehensive Plan Vision Statement, the Land Use Element Policy 2.1.1 and the Housing Element Objective 3.2. I URGE YOU TO DENY THIS APPLICATION and send a message to the City Commissioners that rezoning this property would be disastrous to the entire neighborhood.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 4:52:27 PM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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From: simhoff1122@centurylink.net [mailto:simhoff1122@centurylink.net]
Sent: Monday, February 13, 2017 4:44 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702, Killearn Country Club

Name: Sandra Imhoff

Street Address: 3701 Longchamp Circle

City: Tallahassee

State: Florida

Zip: 32309

Email Address: simhoff1122@centurylink.net

Comments: I am asking you to APPROVE Mr. Tuck's request for change in zoning. Without Killearn Country Club, Killearn Estates will be just another neighborhood. We need the golf course to keep Killearn Estates a desirable location for people to live. People who want to keep the status quo are not looking beyond their own interests. Killearn is old. We need some new development to be able to compete with the fancy, new neighborhoods in Tallahassee. Please do everything in your power to approve this request. Thank you.

From: [Whitaker, Angie](#) on behalf of [Gillum, Andrew](#)
To: [Sandy Imhoff](#)
Cc: [Tedder, Wayne](#); [Singleton, Lauren](#); [Van Pelt, Jamerson](#)
Subject: Sandy Imhoff RE: Killearn Country Club Improvements
Date: Wednesday, January 18, 2017 5:09:37 PM

Peace unto you,

This is to acknowledge receipt of your email and that it will be presented to the Mayor and appropriate staff for consideration. Thank you for your feedback.

Angie

Angela G. Whitaker
Internal Affairs Coordinator
Office of Mayor Andrew D. Gillum
City of Tallahassee
300 S. Adams Street / Tallahassee, Florida 32301
Ph. #850-891-8503 / Fax. #850-891-8542
angela.whitaker@talgov.com

Keep pressing forward in hope, faith and action that demonstrates both ~ RIG Coach Angie Whitaker

From: Sandy Imhoff [mailto:simhoff1122@centurylink.net]
Sent: Sunday, January 15, 2017 11:48 PM
To: Gillum, Andrew
Subject: Killearn Country Club Improvements

Dear Mr. Gillum:

I am writing to you as a concerned citizen of Killearn Estates and member of Killearn Country Club.

I want you to know there are many people in favor of the changes Mr. Tuck has proposed to the golf course property. Improvements to the golf course property will benefit the entire neighborhood. Killearn Estates is showing it's age and there needs to be reason for living here. For me and my family, if there is no golf course we will most likely leave the area.

That will mean one more house for sale in this aging area of Tallahassee. As a retired person and active member of Killearn Country Club for 20+ years, a good bit of my time and money is spent there.

I, and the majority of my fellow club members, want to see improvements made which will benefit the entire community. If Mr. Tuck is not allowed the opportunity to make the improvements he has proposed, there will be no golf course and the many acres of green space it provides to the neighborhood. The golf course will most likely be sold and there will be nothing to attract new residents to the neighborhood.


Killearn Estates needs Killearn Country Club!

Thank you for your time and interest in this very important matter.

Sandra Imhoff
3701 Longchamp Circle
Tallahassee, FL 32309

Sent from my Verizon Wireless 4G LTE smartphone

TRANSMITTAL

FROM: Scott Atwell 

TRANSMITTAL: Underwriting Communication Issued by First
American Title Insurance Company, FL-2015-0012
Advisory obtained from First American Title

DELIVER TO: City of Tallahassee
Planning Department
435 North Macomb Street
Floor 3
Tallahassee, FL 32301
**ATTN: Debra Thomas, Comprehensive Plan Amendment
Cycle 2017, Amendment PCM201702**

SUBJECT: Response to request for input from Killearn
Estates property owners; this advisory shows that
all property owners in Killearn Estates likely
have property rights to keep the 27 hole golf
course use forever; and that rezoning and later
issuance of a building permit will irreparably
damage Killearn Estates property owners through
government action, or require the building(s) to
be later torn down.

Please also give to elected officials and
planning commission.

RECEIPT

Received by:

By: 

Print Name: DEBRA THOMAS

Date/Time: _____

Phone or email: _____

[Delivery person: Make sure you always get Receipt and return it
to office. Thank-you!]



First American Title

UNDERWRITING COMMUNICATION

Issued by

First American Title Insurance Company

FL-2015-0012 Advisory

To: Issuing Agents and Offices of First American Title Insurance Company

Title: Conversions of Private or Semi-Private Golf Courses, Parks and Other Recreational Areas

From: Underwriting Department

Date Issued: November 9, 2015

Purpose: To advise agents that there is inherent risk involved in insuring lands involving a golf course or other recreational area converted to another use, which requires early involvement from an Underwriter.

Advisory: Involve an Underwriter as early as possible whenever you are insuring a transaction involving the closure or intent to close a golf course or other recreational area. The Company considers transactions involving the re-development of private or semi-private golf courses, parks, lakes or other recreational areas to be extra-hazardous risk. Sometimes the change in use creates noise, traffic or other disagreeable conditions for the neighbors. Sometimes the claim is made that redevelopment violates agreements, express or implied, recorded or unrecorded, that constituted an inducement to purchasers of properties adjacent to the golf course or situated elsewhere in the same planned community.

Our underwriting team has significant experience insuring lands that have been or are contemplated to be converted from golf course, park, and other recreational use and stands ready to properly tailor the necessary title requirements that will put you in the best position to insure the purchaser's and/or lender's interest. But to do so, our underwriters will need to carefully review the complete chain of title of the subject property and adjacent lands to determine any common ownership, plat recitals or restrictions, and review other relevant facts such as any zoning or other public hearings and proceedings. In addition, we will need to understand the history of any objections or disputes and local news articles that may appear online are often very helpful. Please allow sufficient time to gather the information necessary for the Company to fully evaluate the risks on a case-by-case basis.

The following is a non-exhaustive list of things to analyze when asked to insure a golf course or recreational land conversion:

1. Search and examine surrounding properties to determine who may have vested rights or be impacted.
2. Review aerials to determine the nature of adjoining lands and the scope of potential impact.
3. Review the Purchase Sale Agreement for any disclosures, representations or warranties regarding the conversion.
4. Review restrictions to determine if there is anything that might:

- a. be construed as granting private rights of access, light, sight or use of the property being converted to the neighbors or to a Community Association;
 - b. determine whether there are existing restrictions or use agreements that are already reflected as exceptions in the commitment that eliminates risk and carefully evaluate same if we are asked to provide affirmative coverage through a Florida Form 9 Endorsement.
5. Run an internet search to see whether any articles or information discloses any opposition or challenge to the conversion.
6. Confirm, as best you can, that there is no pending or threatened litigation regarding the conversion.
7. Determine the likelihood that all of the affected property owners received notice of the conversion, and had time to respond. For example, this might occur at a re-zoning meeting or a Community Association meeting.
8. Determine the status of the rezoning - who appeared, who objected, who was in support.
9. What is the stage of the conversion, e.g., is work underway, is it complete, is it contemplated?
10. Ensure that the review and communication with an Underwriter begins early on to provide sufficient time to gather information, investigate, analyze and make an Underwriting decision.

Please note that the following exception may appear on the commitment/policy, **unless** Underwriting approval is provided to delete it:

This commitment/policy does not insure the insured over the consequences of claims and allegations that may be raised by owners of interests in lands surrounding the lands described on Schedule A (the "Subject Property") that they hold rights of any kind that may affect the development or prevent the Insured herein from operating the Subject Property in any manner other than as a golf course/park/lake/recreation area, etc.

Contact Info. for Questions: If you have any questions, or wish to discuss this further, please feel free to contact any member of the First American underwriting team.

NOTE: This Underwriting Communication is intended for use by title issuing offices, title insurance agents and approved attorneys of First American Title Insurance Company and any reliance by any other person or entity is unauthorized.

* * This UWC should become a permanent part of your records to assure compliance with its requirements. * *

Sharon W. Hardy
3073 Sawgrass Circle
Tallahassee, Florida 32309
850-894-5676

November 10, 2016

Tallahassee-Leon County Planning Department
Attention: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

RECEIVED
2016 NOV 14 A 10:00
TALLAHASSEE/LEON COUNTY

Re: Amendment # PCM201702 - Killearn Country Club and Inn

Dear Commissioners,

I am a resident of Tallahassee, Florida. I live in a community named Greens of Killearn. I moved to my current home in the "Greens" seventeen years ago, and bought a home on the first hole of the North Course (a/k/a "The Narrows") of Killearn Country Club.

I have a **VERY** big concern for Barton Tuck's plans on the first hole of the North course. He wants to move the existing driving range (which has plenty of room where it exists now) and squeeze it into the first hole of the North course, which is very narrow and lined with homes of the Greens of Killearn on one side and a large estate on the other side of this first hole of the North course.

I am sure no one who bought a home on a golf course lot ever planned on having driving golf balls flying by their homes or into their windows, nor did they ever think they would see the day where 100 foot netting would be strung across their back yards. Nor did they think their property values would plummet because of Mr. Tuck's grand scheme. Why would the city allow the liability of these homeowners being hurt because the driving range was allowed to be moved? The driving range is in the right place now. Either it should stay there, or you should not allow another one to be built on such narrow property as the first hole of the North course. Certainly the existing homeowners deserve to have their property values remain stable and not have eye sores erected behind their homes.

Then there is the issue of a flood plain running right through the first hole of the North course. I have watched on heavy rain days, for seventeen years, the very heavy flow of water run down the middle of the first hole, so heavy at times you could float a boat. Furthermore, the entire first hole should be kept as a "flood conservation easement", so nothing can be altered on that hole to affect any other properties

surrounding this area. I had to have my backyard turned into a dry river bed creek because so much water runs through my back yard when it rains. And the North first hole is worse.

As I am sure you know, Barton Tuck's plans also include building certain housing on portions of the North course, and building multi-unit apartments/retirement homes on other portions of the property. This again will degrade property values of those who have previously purchased next to the golf course, and the additional traffic and parking considerations will overwhelm this entire neighborhood. Again you should not allow such a situation to occur.

Please do not allow this kind of re-development to happen and harm so many of your citizens. It's just not right!

Very Sincerely,



Sharon W. Hardy

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

Attachment 4
Page 723 of 795

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
February 7 (Tuesday)	Local Planning Agency	Local Planning Agency Public Hearing	6:00 PM	Renaissance Center 2 nd Floor 435 North Macomb Street
March 7 (Tuesday)	County and City Commissions	Joint City-County Commission Workshop	1:30 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
April 4 (Tuesday)	County and City Commissions	Joint City-County Transmittal Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse
May 23 (Tuesday)	County and City Commissions	Joint City-County Adoption Public Hearing	6:00 PM	County Commission Chambers 5 th Floor, Leon County Courthouse

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least forty-eight (48) hours prior to the hearing (excluding weekends and holidays). The Planning Department Telephone is (850) 891-6400. The Florida Relay TDD Service Telephone is 1-800-955-8771.

If you have concerns that you wish to be considered by the City and County Commissions in regard to this application, you may submit written comments in response to this notice. You may submit your comments by letter, facsimile (fax), on the form below or through our website at www.talgov.com/planning by selecting the "Comprehensive Plan Amendment Cycle 2017" icon located on the left blue menu bar. More detailed information on each proposed amendment is also available on the website.

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301
Telephone: (850) 891-6400 Fax: (850) 891-6404

I/We as owner(s) of property at this address: Amendment # PCM201702
3073 Sawgrass Circle wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

Please see attached letter opposing this
development
SIGNED: A Hardy

Steve Owens, 2905 Kew Court, Tallahassee FL

Killearn Estates Resident and Member of Killearn Country Club

I would like to thank the Planning Commission and Staff for hosting this open house to discuss the rezoning of a portion of Killearn Country Club. The property in question is currently zoned Recreation/Open Space.

Thank you to the Killearn Homes Association Board and Mr. Barton Tuck for working collaboratively to develop a plan that includes a new park and walking trails that will be controlled by KHA, thus providing additional recreation space for all Killearn residents.

The request creating 10 residential home sites (Sites A-D) is in keeping with existing home sites adjacent to these lots.

When Killearn Estates was originally proposed, it was to be a planned community with a variety of housing options with mixed density. This is demonstrated today with apartment complexes, town houses, condominiums and zero lot line communities that exist within Killearn Estates. The rezoning request of (Site E) is consistent with that plan. In fact, I learned on January 19th at the planning workshop that the planning staff has expanded this rezoning request to bring several of the existing neighborhood communities into compliance with the comprehensive plan *(Future Land Use Map)*

Rezoning (Site E) to Urban Residential is consistent with several adjacent neighborhood communities and will allow for a 55+ age-restricted, gated community that is consistent with the original design for Killearn Estates.

Mr. Tuck and Killearn Homes Association have agreed that the Homes Association will hold all proceeds from the sale of the property in an escrow account and that all proceeds will be reinvested into Killearn Country Club.

In my opinion, this rezoning request is beneficial for all residents of Killearn Estates by providing an improved country club, new recreation space for all residents and the addition of a new residential neighborhood community. I support the staff recommendation for approval of the rezoning request.

Calhoun, Sherri

From: steve@sunsect.com
Sent: Tuesday, November 08, 2016 7:04 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201702 Map
- **First Name:** Steve
- **Last Name:** Shafer
- **Street Address:** 3054 Shamrock St N
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** steve@sunsect.com
- **Comments:** I have no problem with changing the zoning provided access to the green spaces is maintained through some type of easement or foot path.

Steven Blake Gehres
3864 Moriarity Court
Tallahassee, Florida 32309
bgehres@comcast.net
850-591-3353

January 4, 2017

Debra Thomas
City of Tallahassee
Senior Planner

Dear Debra,

I'm writing in opposition to the requested zoning changes to the comprehensive plan by Barton Tuck Jr. (amendment PCM201702).

In the fall of 2014 Barton Tuck Sr. announced his desire to close the 9 hole North Course of the Killearn County Club so he could sell the land and use the proceeds to renovate the club house and remaining 18 holes. For 20+ years prior to 2014, Mr. Tuck invested virtually none of his profits into renovations to keep the country club facilities up to date. Despite other funding proposals by country club members and Killearn home owners, the North Course was closed in the fall of 2015.

The vision statement of the Tallahassee-Leon County Comprehensive Plan states:

"The community relies upon the comprehensive plan to protect the natural resources and scenic beauty while encouraging the responsible healthy growth of Tallahassee and Leon County."

Since the north course was closed in 2015, the impact on the scenic beauty of the property adjacent to the North Course has been negatively impacted. The requested zoning changes would all but destroy the scenic beauty of home owners with property bordering holes 7, 8 & 9 of the North Course.

The vision statement also states:

"The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens." And "is facilitated by systematically planning for the growth, development and redevelopment."

Debra Thomas
January 4, 2017
page2

The proposed land use changes to the North Course seek to destroy, attack and diminish the quality of life for all Killlearn homeowners and most certainly the home owners with property bordering the North Course.

This entire process initiated by Mr. Tuck has been anything but systematic planning for growth, development and redevelopment. He has refused all offers to explore alternative funding options to renovate the golf course and country club and has successfully divided home owners of this award winning community. He now requests a rezoning of the land use that will negatively impact storm water management for established neighborhoods.

Lastly, the vision statement states:

“Unwise land use decisions in established residential areas can seriously and permanently alter the character of a neighborhood. Not only actual changes, but also the perception of a constant assault on a neighborhood undermines an otherwise desirable residential environment.”

The original plan for the development of the Killlearn community always included at its center a 27 hole golf course. Under Mr. Tuck’s ownership, the course and country club have slowly deteriorated to a point where the Inn has been torn down and the North Course has been closed. Now he wants to get a land use rezoning to continue to degrade the character of our neighborhood.

I’m not sure if Mr. Tuck’s zoning request includes his plan for the land, but what he has shared with club members and home owners is the development of a 350 unit multi-family attached facility on site E and single family detached units on sites A-D.

As an infrastructure advocate, you are keenly aware of how this type of development would impact the roads and traffic in the Killlearn neighborhood not to mention Centerville and Thomasville roads.

I humbly ask that you vote in opposition to the zoning changes and deny this request.

Thank you.

A handwritten signature in black ink, appearing to read "Steven B. Gehres". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven Blake Gehres
bgehres@comcast.net
850.591.3353

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3044 WATERFORD DR. wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

WE WOULD LIKE TO GO ON RECORD AS BEING IN
FAVOR OF THIS PLAN.

SIGNED:

W. Douglas Strickland Jr. AND

J. James S. Strickland
Trustee

Comments/Documents Submitted at the 2017 Amendment Cycle Open House
November 17, 2016

See attached Motion for Summary Judgment offered by KHA. The Motion asserts that the golf course owner is bound by the “promise that land shown on plats as a golf course would be used for that purpose only.” The Motion also argues that “Palmetto Club is estopped from changing the use of the golf course.”

In addition to the plats, the restrictive covenants create a property right that each property owner in Killearn Estates can enforce to have the land used, forever, as a golf course.

This the KHA position in Court and cannot be changed without damaging affected members (property owners in Killearn) who have an independent right to assert these rights.

From: [Haley, Jiwuan](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Monday, February 13, 2017 5:56:39 PM

From: tammycotton@yahoo.com [mailto:tammycotton@yahoo.com]
Sent: Monday, February 13, 2017 5:56 PM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM201702: Killlearn Country Club Applicant: Barton N. Tuck Jr.
Name: Tammy Cotton
Street Address: 4404 Bradfordville Road
City: Tallahassee
State: FL
Zip: 32309-6408
Email Address: tammycotton@yahoo.com

Comments: I am in support of the proposed project of Mr. Tuck. As a member of the club and a homeowner in Killlearn Estates I believe improving the club would be beneficial to the members as well as the neighborhood and city.

Filing # 39212229 E-Filed 03/18/2016 03:41:28 PM

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:
CASE NO. 2014 CA 2865
CASE NO. 2014 CA 3010

JOSEPH B. BLANDFORD; et al.,

Plaintiffs,

CASE NO. 2014 CA 002865

KILLEARN HOMES ASSOCIATION, INC.

Intervenor

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP, et al.,

Defendants.

CLAIRE A. DUCHEMIN

Plaintiff

CASE NO. 2014 CA 003010

KILLEARN HOMES ASSOCIATION, INC.

Intervenor Plaintiff

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,

Defendant.

INTERVENOR'S AMENDED MOTION FOR SUMMARY JUDGMENT

Intervenor Plaintiff KILLEARN HOMES ASSOCIATION, INC. ("Intervenor" or
"KHA") moves for entry of Summary Judgment against Defendant PALMETTO CLUB

PROPERTIES LIMITED PARTNERSHIP, ("Defendant" or "Palmetto Club") pursuant to Rule
1.510, Florida Rules of Civil Procedure, relative to the issues in both Case Numbers that have
been consolidated above because there are no genuine issues of material fact and Intervenor is
entitled to judgment as a matter of law.

Intervenor has previously filed Exhibits A-Q in support of its initial motion for summary
judgment, which includes the Affidavits of LeAnn Sbordone, J. Robert Ippolito, Beverly Ewald,
David E. Ferguson, and J.T. Williams, Jr.. The initial motion for summary judgment also relies
on portions of the previously filed deposition transcript of J.T. Williams, Jr. This Amended
Motion for Summary Judgment incorporates the previously filed Exhibits A-Q, the deposition
transcript of J.T. Williams, Jr.. In addition, it relies on Defendant's discovery responses,
supplementing the summary judgment supporting materials as Exhibits R and S, filed with this
amended motion. The particular grounds upon which this motion is based are as follows:

I. INTRODUCTION

Palmetto Club owns a 27-hole golf course located in the Killearn Estates subdivision.
This case arises out of Palmetto Club's intention to close nine holes of the golf course and sell
the land for redevelopment into housing, either multi-family or single-family, medical or
rehabilitation facilities, or some other high-density residential use. The subdivision plat
identifies the golf course as a subdivision amenity, the subdivision was marketed as a golf course
community, and subdivision residential lots were sold to purchasers with the promise that land
shown on plats as a golf course would be used for that purpose only. The developer and his
successor—i.e., the Defendant here—are bound by that promise. See, e.g., *McCorquodale v.*
Keyton, 63 So.2d 906, 910 (Fla. 1953) (holding that easements contained in recorded plats
represent enforceable promises by a developer which can be relied upon by the homebuyers in

purchasing their property); *Easton v. Appler*, 548 So. 2d 691, 694 (Fla. 3d DCA 1989) (recognizing that when property is purchased and the deed refers to the plat with amenities, buyers acquire implied easement); *Bonifay v. Garner*, 445 So. 2d 597, 603 (Fla. 1st DCA 1984) (recognizing *McCorquodale* and that lots sold with reference to a recorded subdivision plat may be conveyed with implied easement in lands of grantor to secure benefits and promises reasonably inferred)

As more fully discussed below, because the golf course appears on plats and in residential deeds, was conveyed by a common developer to Palmetto Club, Palmetto Club is estopped from changing the use of the golf course identified on the subdivision plats.

Intervenor hereby adopts and incorporates by reference herein all of the Summary Judgment materials and exhibits previously filed and served with its initial Motion for Summary Judgment.

II. UNDISPUTED FACTS ESTABLISHED BY THE PLEADINGS AND EVIDENCE

1. Killearn Estates (the "Subdivision") is a platted subdivision in Leon County, Florida. See Exhibit A, Master Plan.
2. KHA is a non-profit Florida corporation and homeowners' association that operates and governs the Subdivision and whose members are the homeowners within the boundaries of the Subdivision, and that also owns property within the Subdivision. See Exhibit B, Affidavit of Executive Director LeAnn Sbordone.
3. The Subdivision was created in 1964 by developer Killearn Properties, Inc. ("Killearn Properties"), and is Tallahassee's first planned unit subdivision with a golf course and underground electric service. See Deposition Transcript of J.T. Williams, filed December 3, 2015 under filing number 35141173, pp. 12-13; 44.

4. The Subdivision was established by platting and developing smaller units, added from time to time, that were annexed and interlocked to create a single growing subdivision. See Plats (e.g., Exhibits C, D, and E).

5. From inception, the centerpiece of the Subdivision has been its award-winning golf course, which was also developed by Killearn Properties and has been used to induce the public to buy property within the Subdivision. See Depo. Tr. J.T. Williams, pp. 14-15; 19-21; 24-25.

6. The golf course was intended to and did increase the land and property values throughout all of the Subdivision. See Depo. Tr. J.T. Williams, pp. 14, 20-21, 45, 48.

7. Any redevelopment of any portion of the golf course would negatively impact the property values in the Subdivision. See Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

8. Development began with a portion of land at the entrance to the Subdivision at Thomasville Road—Unit One—and proceeded unit by unit. The properties within the units are subject to covenants and restrictions that provide for the addition of new units as from time to time as they are developed by Killearn Properties, and are intended to interlock so that all rights of all lot owners in the Subdivision are uniform. (Unit One Covenants at Article I, OR Book 187, Page 254). See Exhibit C, Unit 1 Plat.

9. Development of Unit Two occurred in 1966 and included the property to the south of the initial Unit One off of Killarney Way in and around Limerick Road and Westford. See Exhibit D, Unit 2 Plat.

10. Unit Three was also created in 1966. On the Unit Three plat, Killearn Properties shows and identifies the golf course abutting certain Unit Three lots. See Exhibit E, Unit 3 Plat.

11. After the golf course was developed, Killearn Properties created Unit Six, and again identified the golf course on the Unit Six plat. *See* Exhibit F, Unit 6 Plat.
12. In 1969, Unit Eight was created and identified the golf course on the plat. *See* Exhibit G, Unit 8 Plat.
13. In 1978, Unit 19 was created and also identified the golf course on the plat. *See* Exhibit H, Unit 19 Plat.
14. Subdivision lots conveyed by the developer to purchasers were done so in reference to and pursuant to the relevant plats. *See* Exhibit I, Affidavit of J. Robert Ippolito; Exhibit J, Affidavit of Beverly Ewald; Exhibit K, Affidavit of David E. Ferguson.
15. Killearn Properties owned the golf course property in 1981 when it imposed the Special Restrictive Covenant on the golf course property. *See* Depo. Tr. of J.T. Williams, p. 26.
16. The special restrictive covenant provides, among other things, that:
 - a. Killearn Properties shall maintain architectural control over any building on the golf course property; and
 - b. Is "in addition to pertinent recorded restrictive covenants, if any, and not in limitation thereof..."*See* Exhibit L, Special Restrictive Covenant.
17. In 1987, Palmetto Club, then operating under the name Resort Properties, Ltd., purchased the Killearn Country Club ("KCC") and the golf course property. *See* Exhibit M, Warranty Deed.
18. Prior to the sale and after the 1987 golf course sale to Defendant, Killearn Properties, continued to develop Subdivision residential units and continued to identify the golf course on plats. *See* Exhibits N, O, P Plats for Units 27, 40, and The Greens of Killearn.

19. The Subdivision lots were sold with reference to the relevant unit plat showing and identifying the golf course in its deed. *See* Exhibit I, Affidavit of J. Robert Ippolito; Exhibit J, Affidavit of Beverly Ewald; Exhibit K, Affidavit of David E. Ferguson.
20. Unit Twenty-Six was platted in 1982 and identifies the golf course, and although it is the only platted unit indicating that the golf course is "not a part of this plat," the plat does not refer to the Special Restrictive Covenant. *See* Exhibit Q, Plat for Unit 26.
21. Unit Twenty-Seven was platted in 1988 and identifies "Golf Course Fairway No. 3," "Golf Course Fairway Number 4" and "Golf Course Fairway No. 5," but provides no language to indicate whether the golf course is part of the plat or subdivision, nor does it refer to the Special Restrictive Covenant. *See* Exhibit N, Plat for Unit 27.
22. Unit Forty was platted in October 1992, is a portion of the residential lots developed along the North Nine, identifies the golf course, and indicates it is "unplatted land," but does not make any reference to the Special Restrictive Covenant. *See* Exhibit O, Plat for Unit 40.
23. The Greens of Killearn was platted in 1994 along another portion of the North Nine, and the plat identifies the "Unplatted Killearn Golf Course" but makes no mention of the Special Restrictive Covenant. *See* Exhibit P, Plat for Greens of Killearn.
24. The Subdivision exists as a common development scheme of particular residential homes that were built around a golf course, created by a developer common to both the residential subdivision and the golf course itself. *See* Depo. Tr. of J.T. Williams, pp. 14-15, 25 ("[T]he whole community was geared around the golf and country club.").

25. The creation and existence of the golf course was a significant inducement made by the developer to the public to buy and purchase homes in the Subdivision. *See* Depo. Tr. of J.T. Williams, pp. 44-45.

26. The developer advertised the community as a golf course community and committed those promises on the plats themselves. *See* Depo. Tr. of J.T. Williams, p. 26; Plats (referenced herein).

27. There are currently forty-nine (49) total units developed in the Subdivision. *See* Exhibit B, Affidavit of LeAnn Sbordone.

28. There are approximately 3,800 homeowners within the Subdivision. *See* Exhibit B, Affidavit of LeAnn Sbordone.

29. The deeds to the residential Subdivision lots refer to and incorporate the book and page number of the plats of the units where the property is located. *See* Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

30. KHA has not made any representations about the plats and its rights to enforce the benefits of the plats to Palmetto Club contrary to a later position, that Palmetto Club relied upon and changed its position to its detriment. *See* Exhibit B, Affidavit of LeAnn Sbordone.

31. KHA has not intentionally relinquished any known right with regard to the plats and the enforcement of its rights and those of its members. *See* Exhibit B, Affidavit of LeAnn Sbordone

III. LAW AND ARGUMENT

Florida law is clear that amenities shown on a recorded subdivision plat create an easement in favor of the subdivision landowners who purchased their lots in reliance on the plat itself. *See, e.g., McCorquodale v. Keyton*, 63 So.2d 906, 910 (Fla. 1953) (holding that easements

contained in recorded plats represent enforceable promises by a developer which can be relied upon by the homebuyers in purchasing their property); *Easton v. Appler*, 548 So. 2d 691, 694 (Fla. 3d DCA 1989) (recognizing that when property is purchased and the deed refers to the plat with amenities, buyers acquire implied easement); *Bonifay v. Garner*, 445 So. 2d 597, 603 (Fla. 1st DCA 1984) (following *McCorquodale* and holding that lots sold with reference to a recorded subdivision plat may be conveyed with implied easement in lands of grantor to secure benefits and promises reasonably inferred); *see also Wilson v. Dunlap*, 101 So. 2d 801, 803-04 (Fla. 1958) (recognizing plat designation of land use creates easement in favor of abutting landowners); *Price v. Stratton*, 33 So. 644, 646 (Fla. 1903) (acknowledging that where owner of tract makes a plat evincing intent for use—*i.e.*, public street, his grantees acquire right to have such use); *City of Miami v. E. Realty Co.*, 202 So. 2d 760, 773 (Fla. 3d DCA 1967) (acknowledging lot owners' private easement rights in amenities shown on plat, even where amenities coexist with public use).

The identified plat amenity, whether it be a public road or a private beach or golf course, becomes subservient to the dominant surrounding land. Thus, where a developer identifies a golf course on a plat and sells lots in reference to the plat, as occurred here, the developer and subsequent grantees are bound by that promise. *See* Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson.

The undisputed facts of this case establish that KHA members purchased lots in Killearn Estates with the developer's promise that the neighborhood would always be a golf course community, giving rise to a common plan or scheme of development. The subdivision plats plainly identify the golf course and show precisely where the golf course land is located. Subdivision lot owners' deeds reference the plats that show the golf course. There is no dispute

that the developer marketed and sold lots in Killearn Estates as a premier golf course community, which was a significant inducement for purchasers of those lots. This creates an implied private easement or easement by implication for the golf course property. Any attempt on the part of the developer or his successors to eliminate the golf course in whole or in part without consent of the Subdivision property owners violates the easement and should be enjoined.

A. KHA and Its Members Have An Implied Private Easement or Easement by Implication for the Golf Course Property

Florida law is clear that the right conveyed to lot owners who purchase in reliance on subdivision amenities identified on a plat is considered an implied private easement. The Florida Supreme Court in *McCorquodale v. Keyton*, 63 So. 2d 906 (Fla. 1953), explained that purchasers of property that is part of a common scheme of development can acquire “[d]istinct and independent private rights in other lands of the grantor” in circumstances when “it is reasonable to infer [the purchaser has been induced by benefits of those other lands] to buy portions of a tract laid out on the plan indicated.” *Id.* at 910. The Court held as follows:

Whenever the owner of a tract of land subdivides the same into lots and blocks, ...and designates portions of said lands to be parks playgrounds or similar facilities or uses similar words calculated to encourage prospective purchasers to buy said lots, and actually sells lots with reference to the plat, he becomes bound to his grantees by the plat and the representations thereon...*Common honesty requires that he perform that which at the time of conveyance he represented he would perform.*

Id. at 910 (emphasis added).

Thus, whenever lots are sold with reference to a recorded subdivision plat, the purchasers acquire by implied covenant a private easement in lands of the grantor other than those specifically deeded. And these private easements continue unless extinguished by adverse possession, abandonment, non-use, estoppel, or some other basis. *Bonifay v. Gardner*, 445 So.

2d 597, 603 (Fla. 1st DCA 1984) (holding that private easement under *McCorquodale* may only be extinguished by rules governing extinction of easements).

In *McCorquodale*, the developer platted land and included the words “Sunnyside Park” on the plat, and then sold the lots. The developer constructed a concession stand on Sunnyside Park and operated the concessions for years before selling it to J.M. Webb. Once the developer sold the concession stand, it became a private commercial business that changed the nature of the park to a commercial area inconsistent with the plat. The trial court enjoined the commercial use of the concession stand in the park and the Florida Supreme Court agreed, holding that the park indemnification created an easement that extended to *all of the park*, not all except the parcel occupied by Webb, and that if a person’s rights are invaded, the degree of such invasion is unimportant. Thus, the injunction was approved mandating that any conveyance of the park land be made “subject to the rights of the owners of lots in said subdivision to use the same as a park.” *Id.* at 910-11.

The present case is controlled by *McCorquodale*. Pursuant to *McCorquodale*, an implied easement is created in an amenity if (1) a developer creates a common scheme of development that includes both residential lots and the amenity, (2) the amenity at issue is reflected on recorded plats available to purchasers of residential lots, and (3) the purchasers of residential lots are induced to purchase property in the development, in part in reliance on the existence of the amenity. The undisputed evidence establishes that each of these elements has been satisfied in this case. *McCorquodale* thus dictates that KHA and its members have acquired an implied easement in the golf course.

Plats inform the public, and especially innocent purchasers of property in a subdivision, of the facts and must be interpreted according to the ordinary usage of the words, signs and

symbols thereon, coupled with statutory provisions governing the same. *Coffman v. James*, 177 So. 2d 25, 30 (Fla. 1st DCA 1965) (citing *Servando Bldg. Co. v. Zimmerman*, 91 So. 2d 289, 291 (Fla. 1956) (interpreting plat to advance intention of party marking the dedication)). In *Coffman*, the First District Court of Appeals recognized that land depicted on a recorded plat, even though not labeled by lot number, is part of the subdivision unless the land is specifically marked “not included in this plat.” Otherwise, there is nothing to put purchasers of subdivision property on notice that the unnumbered lot is excluded from the area subdivided. *Coffman*, at 30.

Here, the recorded plats for Units Three, Six, Eight, Twenty-Six, Twenty-Seven, Forty, and the Greens of Killearn, all show and label the golf course land. Only Unit Twenty-Six includes the language “not a part of this plat” that would put purchasers of lots in Unit Twenty-Six on notice that the golf course is not part of the Subdivision. Plats recorded both before and after Unit Twenty-Six show the golf course, but do not contain the words “not a part of this plat.” It is the conveyance with reference to the plat that creates the rights in the purchasers to have the plat maintained according to its references. The purchasers acquire rights to the plat when the plat is conveyed by incorporating it and referencing it in their deed. *Miami-Dade County v. Torbert*, 69 So. 3d 970, 973 (Fla. 3d DCA 2011) (“It is the conveyance with reference to the plat that creates the rights in the purchasers to have the plat maintained according to its references.”).

The lots conveyed by Killearn Properties to the lot owners in the Subdivision were made with the promise that the homes and subdivision were part of a 27-hole golf course community, and this promised to enhance property values for the entire community. “The master plan called for the entire 27 holes from the very beginning.” Depo. Tr. J.T. Williams, p. 15. From the first sales brochures, Killearn Properties advertised the subdivision as a 27-hole golf course community. Depo. Tr. J.T. Williams, p. 19.

The purpose of having a premier golf course in the community was to enhance property values. Depo. Tr. J.T. Williams, p. 20. This is especially true for lots that share a lot line with the golf course: “your backyard is paid for by someone else and manicured properly...they look out in their backyard and have this beautiful golf course and manicured and looks good from the back of their homes.” Depo. Tr. J.T. Williams, p. 21. Indeed “the whole community was geared around a golf and country club.” Depo. Tr. J.T. Williams, p. 25.

The elements necessary to create an implied easement under *McCorquodale* are satisfied. The developer’s undisputed testimony establishes that the Subdivision was a common scheme development with a 27-hole golf course as its centerpiece and that, from the outset, the golf course was used as an inducement to purchasers of residential lots in the Subdivision—both those abutting the golf course and throughout the Subdivision. Furthermore, as provided above, the golf course was depicted on recorded plats, *see, e.g.*, Exhibits C through H; N through P, which made it a matter of public record, and put the public on notice, that the intended use of the land was for a golf course. These plats were incorporated into the deeds of the purchasers, and established the lot owners’ reliance on the plat promises. *See, e.g.*, Exhibits I, J, and K.

Accordingly, pursuant to *McCorquodale*, the conveyances of residential lots in the Subdivision created an implied easement for the benefit of KHA and its members. When Killearn Properties conveyed the golf course land to Palmetto Club, it did so subject to the rights of the homeowners in the Subdivision to have a 27-hole golf course in their community. *Wilson*, 101 So. 2d at 804 (“Nothing ... will prevent a conveyance of this residual fee by the original grantor to another party, for the presumption would be that the grantee took title in full recognition of the easement with which it is encumbered.”). Therefore, the plats and deeds created a private easement in favor of the lot owners so that the land identified in the Killcarn

Estates master plan as golf course (and on the recorded plats incident thereto) will be limited to use only as a golf course.

B. A Platted Golf Course Is Not A Condition Precedent For An Implied Easement

The golf course itself is not platted land, nor is the golf course land encumbered by subdivision covenants and restrictions. This, however, does not change the effect of *McCorquodale* and the effect of the implied easement. *McCorquodale* only requires that the golf course be identified on the plats associated with residential lots and induce prospective purchasers of residential lots to make those purchases.

The golf course land, regardless of whether it was platted, became the servient estate to the individual platted lots in the Subdivision by the developer and common grantor, Killearn Properties. The developer had no obligation to separately plat the golf course before making it a servient estate to the Subdivision lots.

It is not necessary that a plat or a map of a person's property showing lots and blocks be recorded before it can be sold. It may be more convenient to sell by lots and blocks as was shown by a recorded plat, but he may sell it by the inch, the foot, or the yard, and describe it by metes and bounds.

Garvin v. Baker, 59 So. 2d 360, 365 (Fla. 1952).

The Florida Supreme Court has long held that "a landowner is not required to plat his land incident to selling it." *Kass v. Lewin*, 104 So. 2d 572, 579 (Fla. 1958). The Subdivision was held out by its developer to the general public as a 27-hole golf course community, Depo. Tr. J.T. Williams, pp. 14-15; 19-21; 24-25, and Palmetto Club took ownership of the golf course property which was burdened by that restriction. See *Hagan v. Sabal Palms, Inc.*, 186 So. 2d 302, 307-308 (Fla. 2d DCA 1966) (holding that restrictions imposed by a general development plan are valid and enforceable even though not specifically incorporated in the deed to the person

against whom enforcement presently is sought). It is not essential to the existence of a uniform plan that there be plats or dedication maps filed, or that there should even be uniform plottage.

Id.

Thus it is irrelevant that Killearn Properties recorded plats for the residential subdivision lots but not for the golf course land. The entire tract—the platted subdivision lots and the golf course land—was owned and developed by Killearn Properties as a single golf course community, and the implied easement is no less valid and enforceable by the unplatted nature of the golf course land.

C. This Court Has Authority To Enforce the Requirement that the Golf Course Property Be Used For Golf Course Purposes

The Court has authority to restrict the use of the property to a golf course. *Vista Golf, LLC v. Vista Royale Prop. Owners Ass'n*, 164 So. 3d 140 (Fla. 4th DCA 2015). In *Vista Golf*, the developer of a subdivision golf course imposed restrictions on the golf course before selling it for the benefit of the property values in the community. The developer sold the golf course to a third-party, who challenged the restrictions. The trial court held that although the new golf course owner could not be compelled to operate a golf course, and could not be prevented from selling off portions of the golf course, the entire parcel was restricted for use as a golf course. This was affirmed by the Fourth District Court of Appeal.

Like *Vista Golf*, here the golf course restrictions were imposed by the developer for the protection of the neighborhood property values. Although the developer may sell the golf course property, the land use is restricted to that of a golf course, even though the mechanism that created the restriction here is a plat rather than a separate deed restriction found in *Vista Golf*. See, e.g., *Burnham v. Davis Islands, Inc.*, 87 So. 2d 97 (Fla. 1956) (acknowledging private easement for benefit of subdivision owners to golf course identified on plat exists under Florida

law, but declining to find private easement where plat expressly reserves the absolute right to subdivide or dispose of the golf course in any manner as it may determine (citing *City of Miami v. Fla. E. Coast Ry. Co.*, 84 So. 726 (Fla. 1920)); *McCorquodale v. Keyton*, 63 So. 2d 906 (Fla. 1953); *Powers v. Scobie*, 60 So. 2d 738 (Fla. 1952)).¹ Thus, regardless of who owns the land, the easement is valid and the owner may only use that land for the operation of a golf course.

D. The Special Restrictive Covenant Does Not Extinguish the Easement

Much of this case has involved the interpretation of a Special Restrictive Covenant the developer imposed on the golf course property at the time of sale to Defendant. The Special Restrictive Covenant imposed, among other things, certain first-refusal purchase rights for golf club members in the event Defendant chose to sell the golf course, and its terms expire in the year 2021. The easements created by the plats and deeds in favor of the surrounding subdivision lot owners are not affected by the additional restrictions set forth in the Special Restrictive Covenant as there is no language in that document to limit other restrictions on the land, or that meets any other basis to extinguish prior existing easements. See, e.g., *Bonifay*, at 603 (citing 20 Fla. Jur. 2d Easements Section 23, 27-43). See Exhibit L, Special Restrictive Covenant.

In any event, rights created by recorded plats (and the reliance on those plats by purchasers of residential lots) cannot be extinguished by a developer after the developer sells lots to purchasers who relied on the plats. Imposition of the Special Restrictive Covenant at a later date alone is not sufficient to release or terminate the plat restriction. See, e.g., *Tolar v. Meyer*, 96 So. 2d 554 (Fla. 3d DCA 1957) (written acquiescence by owner-subdivider to Dade County Commission could not bind or waive the rights of other parties to the agreement created by the

¹ Unit Twenty-Six is the only platted unit indicating that the golf course is “not a part of this plat.” See Exhibit Q, Plat for Unit 26.

restrictive covenants); George W. Thompson, *Thompson on Real Property*, § 3173 (4th ed. 1962) (“[A] restriction imposed alike upon all the lots of a block or tract of land cannot be released to one purchaser or his grantee without the assent of the other purchasers, or their grantees, for whose benefit it was imposed.”).

In explaining this concept, the Florida Supreme Court said in *McCorquodale* that the effect of an implied easement is “to forever bar the developer from denying the owners that which he led them to believe they had....” *McCorquodale*, 63 So. 2d at 910 (emphasis added). Accordingly, the rights were created by the special restrictive covenant operate in addition to the implied easement belonging to KHA and its members, described above. The rights under the implied easement continue indefinitely, unaffected by the 2021 termination of the special restrictive covenant.

IV. DEFENDANT PALMETTO CLUB'S DEFENSES

On summary judgment, the moving party plaintiff “must either factually refute the alleged affirmative defenses or establish that they are legally insufficient to defeat summary judgment.” *Knight Energy Servs., Inc. v. Amoco Oil Co.*, 660 So. 2d 786, 788 (Fla. 4th DCA 1995) (internal citations omitted). Palmetto Club raises three affirmative defenses, all of which fail, as follows:

First, Palmetto Club contends that KHA has failed to properly plead a cause of action for declaratory or injunctive relief. A mere conclusory denial of the allegations, as Palmetto Club does in its First Affirmative Defense, is insufficient. See, e.g., *King v. Rojas*, 767 So. 2d 510, 512 n.1 (Fla. 4th DCA 2000) (concluding that a defendant’s mere elaboration on what is really a simple denial is an insufficient affirmative defense). Therefore, this affirmative defense is legally insufficient and fails.

Palmetto Club next claims that KHA is estopped from asserting any form or right or privilege to the property in dispute pursuant to the provisions of the restrictions, deeds, plats, and covenants in place.² Estoppel rests on the premise that the party asserting the estoppel has acted in reliance upon the prior inconsistent conduct. *Goodwin v. Blu Murray Ins. Agency, Inc.*, 939 So. 2d 1098, 1103 (Fla. 5th DCA 2006). The assertion is that the implied easement is unused or somehow terminated or abandoned, and that Palmetto Club has taken action in reliance on the termination. The evidence is quite the contrary. The existence of the golf course is the primary tool for the developer to maximize property values, and those concerns are relevant to this day. See Exhibits I, J, and K, Affidavits of J. Robert Ippolito, Beverly Ewald, and David E. Ferguson. Palmetto Club's Second Affirmative Defense fails to allege any statements or conduct by KHA or allege a material change in position by the Palmetto Club. *Watson Clinic, LLP v. Verzosa*, 816 So. 2d 832, 835 (Fla. 2d DCA 2002). The Affidavit of LeAnn Sbordone refutes that any promises were made to Palmetto Club. See Exhibit B, Affidavit of LeAnn Sbordone.

Palmetto Club has already made clear through discovery that it has no argument or evidence with respect to the issue of estoppel that it intends to rely apart from plats for the subdivision and covenants that are already of record in this proceeding. See Exhibit R, Palmetto Club Properties Limited Partnership's Answers To Intervenor's First Set of Interrogatories, p.2; Exhibit S, Defendant's Response To Intervenor's First Request For Production Of Documents, p.3. Accordingly, the dispute between the parties with respect to this affirmative defense does not require additional discovery and resolution of disputed issues of fact. To the contrary, the

² The elements of estoppel are: (1) the party against whom estoppel is sought must have made a representation about a material fact that is contrary to a position it later asserts; (2) the party claiming estoppel must have relied on that representation; and (3) the party seeking estoppel must have changed his position to his detriment based on the representation and his reliance on it. *Davis v. Evans*, 132 So. 2d 476, 481 (Fla. 1st DCA 1961).

parties dispute the legal consequence of undisputed facts, and, accordingly, this issue is ripe for resolution via summary judgment. Palmetto Club's Third Affirmative Defense alleges waiver³ but fails to set forth the necessary elements of such an affirmative defense. Waiver is the intentional relinquishment of a known right. *Bueno v. Workman*, 20 So. 3d 993, 998 (Fla. 4th DCA 2009) (citing *WSG W. Palm Beach Dev., LLC v. Blank*, 990 So. 2d 708, 715 (Fla. 4th DCA 2008)). Nothing in this record establishes any facts that would support a claim of waiver. Again, the Affidavit of LeAnn Sbordone refutes KHA's knowledge of the existence of any rights that were waived, and the mere act of intervening in these proceedings is evidence that KHA intends to protect and preserve any rights that are affected by the outcome of these proceedings.

As with Palmetto Club's estoppel defense, Palmetto Club has already made clear through discovery that it has no argument or evidence with respect to the issue of waiver on which it intends to rely apart from plats for the subdivision and covenants that are already of record in this proceeding. See Exhibit R, Palmetto Club Properties Limited Partnership's Answers To Intervenor's First Set of Interrogatories, p.2; Exhibit S, Defendant's Response To Intervenor's First Request For Production Of Documents, p.3. Accordingly, as with the issue of estoppel, the dispute between the parties with respect to this affirmative defense does not require additional discovery and resolution of disputed issues of fact and is ripe for summary judgment.

With respect to any such affirmative defenses, conclusory defenses without any facts to support the defenses are insufficient. A properly pled affirmative defense includes ultimate facts sufficient to provide notice of the proof the defendant intends to rely upon to defeat the plaintiff's

³ "Breaking down waiver into elements, this court has recognized that three circumstances give rise to a waiver: (1) the existence of a right which may be waived; (2) actual or constructive knowledge of the right; and (3) the intent to relinquish the right. Proof of these elements may be express, or implied from conduct or acts that lead a party to believe a right has been waived. *LeNeve v. Via S. Fla., L.L.C.*, 908 So.2d 530, 535 (Fla. 4th DCA 2005) (citations omitted).

claim. *Zito v. Wash. Fed. Sav. & Loan Ass'n of Miami Beach*, 318 So. 2d 175, 176 (Fla. 3d DCA 1975) (concluding trial judge properly struck an affirmative defense). Certainty is required when pleading defenses, and pleading conclusions of law unsupported by allegations of ultimate fact is legally insufficient. *Cady v. Chevy Chase Sav. & Loan, Inc.*, 528 So. 2d 136 (Fla. 4th DCA 1988) (affirming summary judgment where affirmative defenses were improperly plead (citing *Bliss v. Carmona*, 418 So. 2d 1017, 1019 (Fla. 3d DCA 1982)); 40 Fla.Jur.2d Pleadings §§ 28, 33 (1982)).

None of Defendant's affirmative defenses are supported by any material fact in dispute, and all of the defenses suffer from basic pleading deficiencies, in that they simply recite conclusions without providing any facts to support them. Because of these deficiencies, Palmetto Club's defenses cannot be well-taken. *Roach v. Totalbank*, 85 So. 3d 574, 578 (Fla. 4th DCA 2012) ("The [defendants] merely recited the defenses without setting forth 'the substantial matters of law intended to be argued' and without stating 'with particularity' the bases for those defenses. As the trial court found, the [defendants] waived those defenses."). For these reasons, the affirmative defenses fail.

V. DECLARATORY AND INJUNCTIVE RELIEF

KHA seeks a declaration consistent with its complaint, that the plats and deeds create a private easement which Palmetto Club is equitably estopped from denying, such that the land identified on the plats as "golf course" is restricted to golf course use and the incidents appurtenant thereto including light, air, view, and trees.

Declaratory judgment actions are governed by chapter 86, Florida Statutes, which provides that a party claiming to be interested or in doubt as to its rights under certain

documents, including those involved in this case, may seek a declaration of its rights in the trial court.

A plaintiff is entitled to a declaration where: (1) there is "a bona fide, actual, present practical need" for the declaration; (2) the declaration sought deals with "a present, ascertained or ascertainable state of facts or present controversy as to a state of facts;" (3) an "immunity, power, privilege or right" of the plaintiff depends on the facts or the law that applies to the facts; (4) some persons have an "actual, present, adverse and antagonistic interest" in the subject matter; (5) all persons with an adverse and antagonistic interest are before the court; and (6) the declaration sought does not amount to mere legal advice. *Meadows Cmty. Ass'n, Inc. v. Russell-Tutty*, 928 So. 2d 1276, 1279 (Fla. 2d DCA 2006) (quoting *May v. Holley*, 59 So. 2d 636, 639 (Fla. 1952)).

Defendant has publicly pronounced its intention to change the use of the golf course property by redeveloping a portion of the land for residential, commercial, institutional, or some other use inconsistent with a golf course. Defendant does not deny his intention to redevelop the golf course property. Intervenor KHA seeks a determination of its rights under the relevant recorded plats to enforce an easement as more fully discussed above. This is a present and immediate controversy in need of judicial intervention prior to Defendant's substantial financial outlay for redevelopment.

Where a party seeks a determination as to the validity of certain property restrictions—in this case the use restriction limiting the identified land to golf course use on the relevant plats at issue—declaratory relief is available. *Lambert v. Justus*, 335 So. 2d 818, 819 (Fla. 1976) (granting declaratory relief where plaintiff sought determination of validity of certain use restrictions on their property) (citing *Sinclair Refining Company v. Watson*, 65 So.2d 732 (Fla.

1953), cert. den. 346 U.S. 872, and *Batman v. Creighton*, 101 So.2d 587 (Fla. 2d DCA 1958)). The *Lamerti* court recognized that if the petitioners were denied their right to have the issues determined through declaratory judgment relief, they may be forced into the position of affirmatively violating the restrictions so as to provoke a suit for the violation in order to access a forum for adjudication. To that end, the Court determined that declaratory relief was an available and appropriate action. *Id.*, at 821.

Injunctive relief is also appropriate. Generally, a party seeking an injunction must demonstrate a clear legal right, the inadequacy of a remedy at law, and that an irreparable injury will occur if such relief is not granted. *E. Fed. Corp. v. State Office Supply Co.*, 646 So. 2d 737, 741 (Fla. 1st DCA 1994). However, Florida law has long recognized that injunctive relief is available to remedy the violation of a property restriction without a showing that the violation has caused an irreparable injury; that is, an injury for which there is no adequate remedy at law. *See, e.g., Stephi v. Moore*, 114 So. 455, 455 (1927) (rejecting claim that the failure to allege "that a violation of the covenants in [a] deed amounts to an irreparable injury" precluded injunctive relief); *Daniel v. May*, 143 So. 2d 536, 538 (Fla. 2d DCA 1962), ("an injunction against violation of restrictive covenants may be granted although there is no showing of irreparable injury"... "because every piece of land in the world has a peculiar value, infringement of which is not readily remediable by assessment of damages of law.")

Although the aforementioned cases involve property restrictions arising under a covenant and restriction, the rule in *Stephi* and *May* is not limited to the context of separately recorded restrictive covenants, but applies with equal force in the context of any deed restriction affecting the use of real property, including restrictions incorporated into a deed by reference to a recorded plat, which is the case here. *See Wahrendorff v. Moore*, 93 So. 2d 720, 721-722 (Fla. 1957)

(holding that a deed and plat must be read together and the conditions, reservations, and restrictions shown on the face of the plat are notice to subsequent purchasers).

Intervenor KHA has demonstrated clear legal right to enforce the easement arising under the relevant plats and is therefore entitled to an injunction to prevent the change of use of the land identified on the recorded plats as a golf course.

WHEREFORE, Intervenor Plaintiff Killearn Homes Association, Inc. requests this Court enter summary judgment in its favor for declaratory and injunctive relief against all Defendants, and such other and further relief this Court deems just and proper.

Dated this 18th day of March, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via the electronic filing portal:

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on this 18th day of March, 2016.

/s/ Jennifer A. Winegardner, Esq.
ATTORNEY

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

JOSEPH B. BLANDFORD et al.,

Plaintiffs,

CASE NO. 2014 CA 002865

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP et al.,

Defendants.

CLAIRE A. DUCHEMIN,
Plaintiff,
v.

CASE NO. 2014 CA 003010

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendant.

PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP'S ANSWERS TO
INTERVENOR'S FIRST SET OF INTERROGATORIES

Defendant, PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP ("Palmetto"),
hereby serves its answers to Intervenor's First Set of Interrogatories:

I. With regard to the first Affirmative Defense, state with particularity the basis for your claim that Killlearn Homes Association, Inc. has failed to properly plead a cause of action for declaratory or injunctive relief.

I am not an attorney and must defer to my attorney on this question. I will say that the Killlearn Homes Association, Inc. has stated that my proposed plan for the country club would benefit the vast majority of the homeowners within the

Page 1 of 3

Exhibit R

subdivision. Thus, I am confused as to why the association would claim there is a conflict.

2. With regard to second Affirmative Defense, state with particularity the basis for your claim that property owners or residents that are not Killearn Country Club members are estopped from asserting any form or right or privilege relating to the property in dispute, and include in your answer any and all provisions or language in restrictions, deeds, plats, and covenants on which you rely.

I am not an attorney and must defer to my attorney on this question. The relevant plats for the subdivision are of record and speak for themselves. Likewise, the covenants of record, many of which have expired, likewise speak for themselves.

3. With regard to the third Affirmative Defense, provide the basis for your claim that even if Killearn Homes Association, Inc. or its members acquired rights or interests in the property that is currently in dispute, such rights or interests have been waived.

As a lay person, I am not completely familiar with the issue of waiver. It is my understanding that the clear reading of the relevant plats and covenants, coupled with the expiration of certain covenants, constitutes waiver.

Page 2 of 3

PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP

By: N. Barton Tuck, Jr.
N. Barton Tuck, Jr.

Its: Authorized Agent

STATE OF South Carolina
COUNTY OF Pickens

BEFORE ME, the undersigned authority, personally appeared N. Barton Tuck, Jr., who after being duly sworn, deposed and stated that he/she is an authorized representative of the PALMETTO CLUB PROPERTIES LIMITED PARTNERSHIP and is further authorized to answer the foregoing interrogatories and that the answers are true and correct to the best of his/her knowledge.

The foregoing instrument was sworn to and subscribed before me this 29th day of February, 2016.

Melinda L. Andrews
NOTARY PUBLIC

Melinda L. Andrews
Printed Name

My Commission Expires:

**My Commission Expires
September 29, 2024**



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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CONSOLIDATED CASES:
CASE NO. 2014 CA 2865
CASE NO. 2014 CA 3010

JOSEPH B. BLANDFORD; et al.
Plaintiffs,

KILLEARN HOMES ASSOCIATION, INC.
Intervenor

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendants.

CLAIRE A. DUCHEMIN
Plaintiff

KILLEARN HOMES ASSOCIATION, INC.
Intervenor Plaintiff

vs.

PALMETTO CLUB PROPERTIES LIMITED
PARTNERSHIP,
Defendant

CASE NO. 2014 CA 002865

CASE NO. 2014 CA 003010

DEFENDANT'S RESPONSE TO INTERVENOR'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS

Defendant, Palmetto Club Properties Limited Partnership, hereby replies to Intervenor's
First Request For Production Of Documents To Defendant as follows:

Page 1 of 3
Exhibit S

Preliminary Note

The below noted plats and covenants are public records possessed by Intervenor, as such
they will not be produced.

1. No final determination has been made at this time regarding trial evidence. It is
contemplated that Defendant will rely upon the relevant plats, deeds, and covenants of record.
2. Other than the plats, covenants of record, and Florida Statutes applicable to
homeowner's associations, Palmetto possesses no responsive documents.
3. The requested documents are available for inspection and copying by contacting the
undersigned for an appointment. In the alternative, the documents will be delivered at a copy
charge of .25 per page.
4. (a) Other than the plats and covenants of record, Palmetto possesses no
responsive documents.
(b) Other than the plats and covenants of record, Palmetto possesses no responsive
documents.
(c) Other than the plats and covenants of record, Palmetto possesses no responsive
documents. Moreover, Palmetto is relying upon the law on this issue as opposed to documents.
(d) Other than the plats and covenants of record, Palmetto possesses no response of
documents. Moreover, Palmetto is relying upon the law on this issue as opposed to documents.
5. Other than the plats and covenants of record, Palmetto possesses no responsive
documents.

Page 2 of 3

6. The plats and covenants of record support the affirmative defenses. Defendant is not aware of documents that refute the affirmative defenses.

Respectfully submitted this 23rd day of February, 2016.

/s/ Daniel Manausa
DANIEL E. MANAUSA, ESQ.
Florida Bar No. 0053971
M. KIP KRIEGER, ESQ.
Florida Bar No. 0099827
MANAUSA LAW FIRM, P.A.
1701 Hermitage Blvd., Suite 100
Tallahassee, FL 32308
Telephone: (850) 597-7616
Facsimile: (850) 270-6148
Email: kip@manausalaw.com;
Email: danny@manausalaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via this Court's e-filing portal to all registered participants this 23rd day of February, 2016.

/s/ Daniel Manausa
DANIEL MANAUSA

From: [Bryan Desloge](#)
To: TFulcher@admin.fsu.edu
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Fwd: Proposed Amendment # PCM201702
Date: Tuesday, January 17, 2017 2:08:43 PM
Attachments: [Golf Course Zoning Change Opposition.pdf](#)

Terry, thanks for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that your email can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests such as yours to oppose the project, some to alter it, as well as those who are asking that we approve the project. I understand the situation and I assure you I will take your comments, and those received from others into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> "Fulcher, Terry" <TFulcher@admin.fsu.edu> 1/16/2017 12:04 PM >>>

We request that the attached letter be considered in regard to the above referenced amendment request.

Thank you.

From: [Nick Maddox](#)
To: [Terry Fulcher](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Fw: Proposed Amendment # PCM201702
Date: Thursday, January 19, 2017 12:34:47 PM

Ms. Fulcher,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> "Fulcher, Terry" <TFulcher@admin.fsu.edu> 1/16/2017 12:07 PM >>>

From: Fulcher, Terry
Sent: Monday, January 16, 2017 12:04 PM
To: Debra.Thomas@talgov.com; Nancy.Miller@talgov.com; Gil.Ziffer@talgov.com;
Andrew.Gillum@talgov.com; Scott.Maddox@talgov.com; Curtis.Richardson@talgov.com;
deslogeb@leon-countyfl.gov; maddoxn@leon-countyfl.gov; lindley@leon-countyfl.gov
Subject: Proposed Amendment # PCM201702

We request that the attached letter be considered in regard to the above referenced amendment request.

Thank you.

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Thursday, November 17, 2016 12:20 PM
To: tgimbel@lawfla.com
Cc: Long, Vince; Bryant, Cherie (Planning); Thomas, Debra; Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne
Subject: Re: Killearn Country Club - Barton Tuck
Attachments: Notice PCM201702revised2.doc

Tico, thank you for contacting me about this issue. As you may already know, this comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is currently being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that it is included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to not approve the project, to alter it, or as with yours, in support of it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

FROM:"Tico Gimbel <tgimbel@lawfla.com>

Please be advised that the Membership at Killearn Country Club overwhelming approved Tuck's plan to revitalize our club over the next few years with new facilities (i.e. locker rooms, Pro Shop, dining rooms, kitchen, pool area, irrigation, tees boxes, and greens). The Membership voted by a 92% - 8% margin in favor of Tuck's plan. There are some disgruntled folks on the portion of the course that he has had to close to generate funds to cover the anticipated capital outlays. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Most residents do not support a multi-family zoning change but we are in favor of single family zoning or zoning similar to what is necessary to build another area like the Greens of Killearn in the proposed redevelopment location. Please support his plan to re-zone and revitalize Killearn Country Club but maintain appropriate zoning codes.

This message sent from the Leon County Website: www.leoncountyfl.gov

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

From: [Bryan Desloge](#)
To: [Tico Gimbel](#)
Cc: [Long, Vince](#); [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Fernandez, Rick](#); [Calhoun, Sherri](#); [Tedder, Wayne](#)
Subject: RE: Killearn Country Club - Barton Tuck
Date: Monday, December 05, 2016 10:10:33 AM
Importance: High

Tico, I have no doubt that someone from the Tallahassee Leon Planning Department will respond to your questions. The City of Tallahassee has jurisdiction over this project although it will also come to us for our review and consideration with the City during the comp plan amendment process. Please let me know if I may be of help with other concerns. Hope all's well with you.

Rick, I would appreciate any assistance your or the Planning staff can offer Tico with her questions. Please let me know if I may be of help to you. Hope all enjoyed the weekend.

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Tico Gimbel <tgimbel@lawfla.com> 12/5/2016 10:05 AM >>>

Brian:

Good morning! Can someone at the Commission (or staff) please confirm what the current zoning is for the Greens of Killearn area? We have been trying to determine that to no avail. Of course, we are likely looking in the wrong places. Can you also advise what Tuck's request for zoning change is and how they might differ?

Also, to follow up on your last e-mail that I support Tuck, I want to be clear that a group of us do support Truck's effort to revitalize Killearn Country Club but that is a different position than what we might be in agreement with in terms of the proposed development. We do not favor multiple family housing or an increase in density from what already borders the golf course. The reason we are asking what the Greens are currently zoned for is because I believe the neighborhood and the KHOA would be in favor of a similar Greens of Killearn development in the proposed build out area and we would like to see the Commission push this in that direction.

Thank you for your time an service to our community.

Tico Gimbel

From: Bryan Desloge [<mailto:DeslogeB@leoncountyfl.gov>]
Sent: Thursday, November 17, 2016 12:20 PM
To: Tico Gimbel

Cc: Vince Long; Cherie Bryant; Debra Thomas; Ricardo Fernandez; Sherri Calhoun; Wayne Tedder
Subject: Re: Killearn Country Club - Barton Tuck

Tico, thank you for contacting me about this issue. As you may already know, this comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is currently being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that it is included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to not approve the project, to alter it, or as with yours, in support of it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

FROM:"Tico Gimbel" <tgimbel@lawfla.com>

Please be advised that the Membership at Killearn Country Club overwhelming approved Tuck's plan to revitalize our club over the next few years with new facilities (i.e. locker rooms, Pro Shop, dining rooms, kitchen, pool area, irrigation, tees boxes, and greens). The Membership voted by a 92% - 8% margin in favor of Tuck's plan. There are some disgruntled folks on the portion of the course that he has had to close to generate funds to cover the anticipated capital outlays. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Most residents do not support a multi-family zoning change but we are in favor of single family zoning or zoning similar to what is necessary to build another area like the Greens of Killearn in the proposed redevelopment location. Please support his plan to re-zone and revitalize Killearn Country Club but maintain appropriate zoning codes.

This message sent from the Leon County Website: www.leoncountyfl.gov

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, FL 32301
850-606-5364
deslogeb@leoncountyfl.gov

From: [Tico Gimbel](#)
To: [Thomas, Debra](#); [Desloge, Bryan](#)
Cc: [Long, Vince](#); [Bryant, Cherie \(Planning\)](#); [Fernandez, Rick](#); [Calhoun, Sherri](#); [Tedder, Wayne](#); [Wilcox, Barry](#)
Subject: RE: Killearn Country Club - Barton Tuck
Date: Tuesday, December 06, 2016 2:57:35 PM

Thank you all very much for your response. We would like to see the proposed development area on the old North course be zoned RP-2 just like the Greens area. We feel that will still allow Tuck will generate enough funds to provide new facilities. Maybe not the Taj Mahal of golf clubs but new facilities nonetheless.

Thank you all again for your response.

Tico Gimbel

From: Thomas, Debra [mailto:Debra.Thomas@talgov.com]
Sent: Monday, December 05, 2016 3:32 PM
To: Tico Gimbel; Desloge, Bryan
Cc: Long, Vince; Bryant, Cherie (Planning); Fernandez, Rick; Calhoun, Sherri; Tedder, Wayne; Wilcox, Barry
Subject: RE: Killearn Country Club - Barton Tuck

Good evening,

The Greens of Killearn is zoned Residential Preservation 2 (RP-2), which allows a maximum density up to six (6) dwelling units per acre. Mr. Tucks' Comprehensive Plan Map Amendment and rezoning request is for Urban Residential and Residential Preservation Future Land Use categories with Urban Residential (R-4) zoning to implement the Urban Residential land use category. The R-4 zoning allows a maximum density up to ten (10) dwelling units per acre. Thanks!

From: Tico Gimbel [mailto:tgimbel@lawfla.com]
Sent: Monday, December 05, 2016 10:06 AM
To: Desloge, Bryan <DeslogeB@leoncountyfl.gov>
Cc: Long, Vince <LongV@leoncountyfl.gov>; Bryant, Cherie (Planning) <Cherie.Bryant@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Fernandez, Rick <Rick.Fernandez@talgov.com>; Calhoun, Sherri <Sherri.Sullivan@talgov.com>; Tedder, Wayne <Wayne.Tedder@talgov.com>
Subject: RE: Killearn Country Club - Barton Tuck

Brian:

Good morning! Can someone at the Commission (or staff) please confirm what the current zoning is for the Greens of Killearn area? We have been trying to determine that to no avail. Of course, we are likely looking in the wrong places. Can you also advise what Tuck's request for zoning change is and how they might differ?

Also, to follow up on your last e-mail that I support Tuck, I want to be clear that a group of us do support Truck's effort to revitalize Killearn Country Club but that is a different position than what we might be in agreement with in terms of the proposed development. We do not favor multiple family housing or an increase in density from what already borders the golf course. The reason we are asking what the Greens are currently zoned for is because I believe the neighborhood and the KHOA would be in favor of a similar Greens of Killearn development in the proposed build out area and we would like to see the Commission push this in that direction.

Thank you for your time and service to our community.

Tico Gimbel

From: Bryan Desloge [<mailto:DeslogeB@leoncountyfl.gov>]
Sent: Thursday, November 17, 2016 12:20 PM
To: Tico Gimbel
Cc: Vince Long; Cherie Bryant; Debra Thomas; Ricardo Fernandez; Sherri Calhoun; Wayne Tedder
Subject: Re: Killearn Country Club - Barton Tuck

Tico, thank you for contacting me about this issue. As you may already know, this comp plan amendment will come before the City and County with our next review and I've attached the schedule of meetings for your consideration. As you will note, the Planning Department is holding an Open House this afternoon at 5:30 p.m. at the Renaissance Center 2nd Floor 435 North Macomb Street. I urge you to attend this meeting to see what is currently being proposed and to offer your comments for any changes you would like to see made to the project. I'm forwarding your email to the Planning Department so that it is included as a part of the public record.

Without doubt this is going to be a highly controversial project because we're also receiving requests to not approve the project, to alter it, or as with yours, in support of it. I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Hope all's well with you! Happy Thanksgiving!

FROM:"Tico Gimbel" <tgimbel@lawfla.com>

Please be advised that the Membership at Killearn Country Club overwhelmingly approved Tuck's plan to revitalize our club over the next few years with new facilities (i.e. locker rooms, Pro Shop, dining rooms, kitchen, pool area, irrigation, tees boxes, and greens). The Membership voted by a 92% - 8% margin in favor of Tuck's plan. There are some disgruntled folks on the portion of the course that he has had to close to generate funds to cover the anticipated capital outlays. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Most residents do not support a multi-family zoning change but we are in favor of single family zoning or zoning similar to

what is necessary to build another area like the Greens of Killearn in the proposed redevelopment location. Please support his plan to re-zone and revitalize Killearn Country Club but maintain appropriate zoning codes.

This message sent from the Leon County Website: www.leoncountyfl.gov

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

From: [Nick Maddox](#)
To: tgimbel@lawfla.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club - Barton Tuck
Date: Tuesday, December 06, 2016 10:33:50 AM

Mr. Gimbel,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

Please note that 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.

>>> <tgimbel@lawfla.com> 11/17/2016 10:17 AM >>>
FROM:"Tico Gimbel <tgimbel@lawfla.com>

Please be advised that the Membership at Killearn Country Club overwhelming approved Tuck's plan to revitalize our club over the next few years with new facilities (i.e. locker rooms, Pro Shop, dining rooms, kitchen, pool area, irrigation, tees boxes, and greens). The Membership voted by a 92% - 8% margin in favor of Tuck's plan. There are some disgruntled folks on the portion of the course that he has had to close to generate funds to cover the anticipated capital outlays. While we all wish we could have 27 holes available to us, we understand that a new revitalized club (within walking distance to your home) is going to enhance all of our property values, the Killearn neighborhood, and all surrounding neighborhoods, in general. Most residents do not support a multi-family zoning change but we are in favor of single family zoning or zoning similar to what is necessary to build another area like the Greens of Killearn in the proposed redevelopment location. Please support his plan to re-zone and revitalize Killearn Country Club but maintain appropriate zoning codes.

This message sent from the Leon County Website: www.leoncountyfl.gov

Timeline of Events Excerpted from Tallahassee Reports

- 10/07/14--18:42: [Major Changes Proposed for Killearn Country Club](#)

The Killearn Homes Association, which represents approximately 3,800 homes in Killearn Estates in northeast Tallahassee, was told by the owner of the Killearn Country Club tonight at their monthly meeting that a major redevelopment of the golf club must happen for the club to survive. Barton Tuck, the current owner, laid out the redevelopment plan [...]

- 10/09/14--06:53: [First Drawings of Killearn Country Club Renovation Released](#)

Following a meeting with the Killearn Homeowners Association on Tuesday night, the owner of the Killearn Country Club met with club members on Wednesday night. The meeting was held to inform the members about the redevelopment plan. Tallahassee Reports previously published a story about the plan. Approximately 150 people attended the meeting and Barton Tuck, [...]

- 10/12/14--17:36: [Current Owner May Be Required To Sell Killearn Country Club To Members](#)

Tallahassee Reports has learned that the ‘Special Restrictive Covenant’, associated with the Killearn Country Club, requires the owner of the club to offer to sell the club to the current members if a decision is made to discontinue playing golf on any of the courses. Tallahassee Reports recently published a story about the proposal by [...]

- 10/16/14--09:57: [Killearn Country Club Provides Detailed Answers To Questions About Plans.](#)

Killearn Country Club has recently provided detailed answers to twenty-one questions that arose during meetings with the Killearn Homeowners Association and the Killearn Country Club members about redevelopment plans. The questions and answers are listed below. Questions 1. Does the owner have the right to close the entire 27-hole golf course in 2021? Answer: Yes. [...]

- 11/03/14--03:44: [BREAKING NEWS: Killearn Estates Homeowners Seek Clarification from Court Over Redevelopment Plan](#)

A group of Killearn Estates Homeowners has filed a court action with regards to a redevelopment plan proposed by the current owner of the Killearn Golf and Country Club. The Killearn Estates Homeowners Association is not a party to the suit. The redevelopment plan was announced last month. The plan called for the closing of [...]

- 11/20/14--08:49: [Killearn CC Ask Members to Close North Course, Give Up Rights to Save Club](#)

The process to determine what direction the owner of the Killearn Country Club will head given recent developments have taken another step forward. Barton Tuck, the current owner of the

struggling Killearn Country Club, has sent a ballot to members asking them to allow him to close the North course and to give up their [...]

- 12/03/14--08:05: [BREAKING NEWS: Killearn Club Owner Pledges Golf Course, Secures \\$1.8 Million Loan](#)

Killearn Country Club owner, Barton Tuck, through his company Resort Club Properties, has secured a \$1.8 million loan from a bank in Cairo, Georgia using the "Killearn Country Club and Inn" as collateral. The loan was recorded with Leon Clerk of the Court on October 31, 2014 and can be viewed here. Why is this [...]

- 12/08/14--17:46: [BREAKING NEWS: Killearn Country Club Issue Makes it on Court Calender](#)

The issue surrounding the redevelopment plan proposed by the the owner of the Killearn Country Club has finally reached the desk of a judge. Claire Duchemin, who filed a lawsuit in circuit court claiming that Mr. Tuck must offer to sell the club to members before closing any part of the golf course, recently filed [...]

- 05/11/15--11:17: [Photo Shows Placement of Memory Care Facility on Killearn Estates Golf Course Property](#)

On Thursday Tallahassee Reports published an exclusive report on plans for the current owner of the Killearn Country Club to sell part of the club property to a developer to build an assisted living facility (ALF). ALSO ON TR: Killearn Golf Course Owner Seeks City Approval to Pave Way for Memory Care Facility The above image shows [...]

- 05/27/15--17:44: [City Commission, Developer and Homeowner Association Reach Agreement Over Demolition of Inn](#)

On Wednesday the City Commission voted to allow the owner of the Killearn Country Club to demolish the Inn, but not before some concessions and a warning from one City Commissioner. The concessions came out of a meeting with the developer, the City and the representatives of the Killearn Homeowners Association. The item had been [...]

- 07/28/15--06:24: [Killearn Golf Course Litigation Update](#)

A recent hearing before Circuit judge Angela Dempsey addressing the Killearn golf course litigation, provided some clarity on one issue, dismissed another, and relegated the final solution over "disputed issue of material fact" to another day. Judge Dempsey ruled that if it is determined that the owner of the golf course triggers or has triggered [...]

- 09/10/15--09:50: [BREAKING NEWS: Killearn Country Club Owner Triggers Purchase Option for Members](#)

The legal wrangling over the direction of the Killearn Country Club has taken another turn. Barton Tuck, the current owner, sent a letter to members today that says he has “elected to trigger the right to purchase given to the Club Members in the restrictive covenants encumbering the golf course.” The letter can be viewed [...]

- 09/24/15--07:31: [MY VIEW – THE KILLEARN DEBACLE](#)

By Claire Duchemin Reading the recent columns by J.T. Williams and Barton Tuck on the proposed closing of the north nine holes at Killearn, it strikes me that no one is speaking up for those of us member/owners who are most directly impacted by the changes. It's high time the truth came out so that [...]

- 10/08/15--17:48: [Killearn Country Club Members Provide Alternative Approach To Closing North Course](#)

Tallahassee Reports has learned that a group of Killearn Country Club members have put together a detailed plan to purchase the club from the current owner, Barton Tuck. The legal wrangling over the direction of the Killearn Country Club began when Mr. Tuck decided that he needed to close the north nine holes of the [...]

- 10/26/15--15:39: [Killearn Country Club Owner Moves Forward Despite Court Orders](#)

The redevelopment efforts of Barton Tuck, the current owner of the Killearn Country Club, is spiraling into controversy. Tuck's recent decision to close the north nine holes has increased the urgency for all those with a vested interest. It now appears Mr. Tuck, and his legal team, have lost their patience with the court system and [...]

- 12/15/15--18:31: [Pre-Hearing Interview Sheds Light on Critical Issue in Killearn Country Club Dispute](#)

On Wednesday, December 16, 2105 a Leon County judge is scheduled to hear a legal motion by current Killearn Country Club owner Barton Tuck that seeks the removal of an injunction that currently requires Tuck to maintain the North nine holes of the golf course until the end of the legal dispute. However, another issue will [...]

- 12/17/15--04:34: [Judge Rules in Favor of Killearn Country Club Owner](#)

Judge Angela Dempsey ruled that Barton Tuck, the owner of the Killearn Country Club, does not have to continue to maintain the North nine holes of the 27 hole Killearn Country Club golf course during the ongoing legal dispute. The ruling removes an injunction that was put in place to protect the golf course while [...]

- 01/13/16--08:46: [Judge Rules for Country Club Owner, Lawsuit Withdrawn, North Course Closed](#)

In a hearing held on December 16, 2015, Judge Angela Dempsey dissolved an injunction that required Barton Tuck, the owner of the Killearn Golf & Country Club, to maintain the north nine holes of the 27-hole golf course until the legal process sorting out various claims was complete. Judge Dempsey wrote, "there has been [...]"

- 03/19/16--07:37: [Killearn Club Owner Changes Covenant, Extends Golf Course Protection](#)

The owner of the Killearn Country Club, Barton Tuck, informed club members that he has taken two steps to ensure that the club will remain an improved golfing facility for years to come. In a letter to members, Mr. Tuck said that he filed an amendment to the restrictive covenant of the golf course which [...]

- 11/06/16--09:42: [Killearn Country Club Owner Seeks Rezoning of North Course Land from City of Tallahassee](#)

Barton Tuck, the current owner of the Killearn Country Club, has filed a request with the City of Tallahassee's Planning Commission to change the zoning of land located on what was known as the North Course. The North Course was recently closed. The requested amendment changes the zoning designation of five areas of the Killearn [...]

- 11/14/16--03:39: [What Does "Urban Residential" Mean?](#)

We recently reported that Barton Tuck, the current owner of the Killearn Country Club, had filed a request with the City of Tallahassee's Planning Commission to change the zoning of land located on what was known as the North Course. The full report can be read here. Part of the request includes changing the zoning [...]

- 01/11/17--08:14: [Stewart's Blog: Heads Up Killearn Estates, City Ignores Neighborhoods on Zoning Issues](#)

Residents in the 4,000 home Killearn Estates neighborhood recently received a questionnaire from the Killearn Homeowners Association (KHA) asking how they would like the Association to move forward with regards to the redevelopment of the land that was previously a nine hole golf course. The current owner is seeking a zoning change from the City [...]

Distances
are either
Wrong or
Inaccurate

What the 3 organizations plan to accomplish in cooperation with

dwelling units per acre

TRANSIT SERVICE ANALYSIS FORM

Agent Name: [blank]
Applicant Name: [blank]
Address: [blank]

Location of the proposed development: [blank]
Property address: [blank]
Nearest public transit: [blank]
The proposed site is located within [blank] of the nearest public transit.

- Weekday Route
- ☐ 12345
 - ☐ 67890
 - ☐ 10111
 - ☐ 12121
 - ☐ 13131
 - ☐ 14141
 - ☐ 15151
 - ☐ 16161
 - ☐ 17171
 - ☐ 18181
 - ☐ 19191
 - ☐ 20201

- Campus Routes
- ☐ 21211
 - ☐ 22221

- Other: Saturday Evening
- ☐ 23231

- Other: Sunday
- ☐ 24241

Name of the driver: [blank]
Signature: [blank]
Date: [blank]

Bus line over
2 miles
away

Excerpt from ThePilot.com

Sep 12, 2012 BY JOHN CHAPPELL Staff Writer

The exclusive Southern Pines golf course community of Forest Creek is now in the hands of a new ownership group.

The deal was done over the weekend with deeds and transfer documents filed Monday with the Moore County Register of Deeds.

A group of members organized as "Forest Creek Investors LLC" (FCI) put up money to pay down bank loans and settle things with developer Barton Tuck and the previous owner of record, Forest Creek Holding Co. LLC (FCH), to put the club in the hands of its members. The members group is still growing, said Earl Ellis, who serves on its five-member board of directors.

"Terry Brown is staying on as president of the club," Ellis said in a telephone interview Monday night. "We are happy that Bill Patton will stay as superintendent of the golf course. We are very pleased. This has been well over a year in the process."

The development had too much debt, he said. Members who chose to get involved and invest took part in an equity offering turning much of that debt into equity. FCI will own the club and the real estate going forward, with these investors paid back as Forest Creek grows and sells real estate.

From its beginnings, the plan was that Forest Creek would eventually become entirely member-owned. Brown and his late brother inherited 1,265 acres of pristine pine forest land just a mile or so from the Moore County Airport.

Tuck proposed building a high-end private development on that land in the Sandhills, and they marketed it by word-of-mouth. Friends and business connections flocked to Forest Creek, and the members did the selling of its 37 award-winning holes designed by Tom Fazio.

Earlier this year, disagreement over who should manage Forest Creek Golf Club led to an attempted ouster of Tuck, orders to clear his office, changed locks and a lawsuit. In response, Tuck and Forest Creek Holdings LLC sued former partners Terry Brown and his brother and Heidi Hall-Jones (Myers Farm Partnership). At the time, Brown predicted settlement would keep Forest Creek growing.

Members were concerned, and worried about the growing debt. Tuck himself was personally on the hook as guarantor of one \$6 million loan with \$500,000 in revolving credit. His lawsuit valued Forest Creek Golf Club at \$40 million.

"We became a little bit worried, because the debt became bigger than we thought could be salvaged," Ellis said. "That's when we kind of got involved."

Contact John Chappell at (910) 783-5841 or jchappell@gmail.com

Beacon Ridge Country Club Goes on Auction Block

- [Laura Douglass](#) - Staff Writer Jan 7, 2016 (excerpt from [thepivot.com](#))

Beacon Ridge Country Club in West End was recently put up for sale by auction with a bid deadline in early February.

The listing is being carried by Hilda W. Allen Real Estate, a firm that specializes in the sale and auction of golf courses, country clubs, residential golf communities and resorts. Interested buyers must first sign a confidentiality agreement and qualify to bid before they can receive additional information.

Course owners Don and Rhoda Billings, of Beacon Ridge Investment Group, decided to sell the property after coming out of retirement to manage the course and clubhouse interests personally for the last few years.

Named as the developer of Seven Lakes West in January 1990, Billings was part of a group of creditors who purchased the community's assets after the original development group filed for bankruptcy.

Billings oversaw construction of the course and clubhouse and handed management over to Wingfield Properties.

In 2013, he ended the lease with Wingfield after 16 years when he became dissatisfied with the condition of the property. Since that time, Billings and his wife have made several upgrades to the clubhouse and amenities.

Located inside the gates of Seven Lakes West, the par 72-course featuring Bermuda fairways and Penncross Bentgrass greens was designed by Gene Hamm. A well-respected course architect, Hamm designed more than 60 courses in southern Virginia, the Piedmont and Eastern North Carolina and Myrtle Beach. Locally, Hamm designed the Red and Grey golf courses at nearby Foxfire Resort & Golf and the Magnolia Course at Pinewild Country Club.

Currently, Beacon Ridge Country Club has 200 members. In addition to the rolling 6,494-yard course and fitness center, the Mount Vernon style clubhouse has a formal dining room with a 100-seat restaurant, two bar and lounge areas, a wrap-around balcony, men's and women's locker rooms, and a golf pro shop.

Outside amenities include a pitch and sand practice area, a driving range with 12 hitting stations, three tournament-quality Har-Tru tennis courts, and a junior Olympic-sized swimming pool.

There will be a property preview date on Jan. 28 from 11 a.m. to 2 p.m. and the bid deadline is Feb. 4.

Contact Laura Douglass at (910) 693-2474 or ldouglass@thepivot.com.

Excerpt from bizjournals.com

Mark Reilly, Senior Reporter

Technology entrepreneur Rick Born, whose foray into golf-course management ended in disastrous losses, is suing the men who sold him a chain of courses in 2000.

Born filed suit last month in Hennepin County court against N. Barton Tuck and Derrell Hunter, two South Carolina men from whom he bought the course-management firm GolfSouth. He filed the suit together with his firm Pinehurst Golf Properties (formerly Born Golf Holdings). Hunter and Tuck had sued Born previously, claiming that he still owed them \$4.4 million from that deal, in the form of a personally-guaranteed note.

That case is still pending, and an attorney for Tuck and Hunter said that he would seek to have it combined with Born's suit, and possibly resolved in arbitration.

Born is best known for founding the technology consulting firm Born Information Services Inc. He expanded into the golf-course business in the 1990s. His first ventures involved golf-scoring software. He then moved into the course-management business with the GolfSouth purchase. The value of the deal was never disclosed, but an official at one of Born's golf businesses told a South Carolina paper the acquisition was worth roughly \$100 million in cash and debt.

But the business soured soon after, and Born Golf was forced to give up or sell the courses. The loss by Born and his partners was pegged at \$30 million.

In his suit, Born confirmed that loss figure, and claimed that Barton and Tuck misrepresented the income at GolfSouth's courses before the deal. The pair "instructed course and regional managers to greatly increase the positive cash flow shown on the budgets," the suit said.

The suit also claimed that GolfSouth managers sold \$1.5 million in "associate memberships" to the courses prior to the sale. Those memberships boosted the courses' revenue temporarily, but hurt Born Golf's business after the deal closed because they allowed users to play either for free or at reduced rates.

Tuck and Hunter's attorney disputed the charges, saying that the courses were "distressed properties" when Born bought them.

Born and Pinehurst Golf are asking the court for unspecified damages and for an order rescinding the merger agreement.

Bright's Creek, Western North Carolina

August 7, 2009 by



7.5 years later -
still no clubhouse

Written August 6, 2009 by Margie Casey

www.realestatesoftware.com

Location:

Bright's Creek is located off NC 9 from Interstate 74 East in Mill Spring, North Carolina. On the map, it appears to be close to Hendersonville. We found no directional signs anywhere during our journey to Bright's Creek. Using Map Quest for directions, which often is a mistake: Map Quest had missed mentioning the left turn onto NC 9, so we had traveled 15 minutes further on NC 108 before we realized something was wrong. We were glad we did, since it gave me the opportunity to see that we had officially entered 'horse country'; equestrian ranches lined the roads.

Our first impression:

We expected a grandiose entrance for this large Tom Fazio signature golf course community. The entrance is gated, with a 24 hour guard, small and simple. We were greeted by smiling Charlie Howard, Sales Executive for Bright's Creek at the Sales Center trailer. Charlie spent a great deal of time explaining the Master Plans using the 8 foot site plan. The project has 5,500 acres offering at least two golf courses, possibly three. Charlie shared with us that Bright's Creek's first Tom Fazio 18 hole, 7,435 yard golf course, which opened in April 2006, has been recognized as one of the "Top 5 Best New Golf Courses" by Golf Week Magazine. We asked him why an avid golfer would choose Bright's Creek over golf communities like The Cliffs. He stated that the \$55K Equity Membership Initiation Fee is a third of The Cliffs fee, the \$375 monthly dues are half of The Cliffs dues, and most importantly, a buyer can purchase a membership at any time. At The Cliffs communities, golf memberships must be purchased with a home site/home adding an immediate expense and benefit to buyers, depending on how a buyer looks at it. Bright's Creek is located in an 'isothermal' area which allows golfers to play year round.

We jumped in the SUV as Charlie narrated what we were seeing during our drive. Charlie explained there are four types of membership available to property owners, ranging from a Social Membership at \$1,200 a year to a Local Membership at \$4,500 a year.

Our next stop was the temporary Member's Lodge which has a Pro Shop, Dining Room and 12 one bedroom suites, available by the night to property owners and guests. The 30,000 square foot

As of 2/7/2017 still "planned" but not built.

Clubhouse is planned, no ground breaking date is scheduled. The 12 one bedroom units are available for purchase as an income producing investment, priced from \$280K-\$330K. The building next to the Member's Lodge has 8 two bedroom two bath condominiums, 1,600 square feet, priced \$715K-\$765K and 2 four bedroom four and half bath condominiums, 3,300 square feet, priced at \$1.3 million with outdoor decks and fireplaces. In 2009, one home, one condominium and one home site have sold at Bright's Creek. Prior to 2009, 337 home sites have sold since 2003, an average of 58 per year. The décor of the Member's Lodge is attractive and yet very conservative.

The home sites range from ½ acre to 5 acres, with most approximately 2 acres, priced from \$125K up to \$750K along the mountain ridge lines. Home Owner Association fees are \$113.75 per month. There are 42 homes built, some with pools, mostly around the golf course. Homes are Arts Crafts Style and Mountain Rustic architecture. Two homes types are featured in the community, Village Homes with a 1,600 square foot minimum requirement and Custom Homes, a 2,200 square foot minimum requirement. City water, city sewer, natural gas, and fiber options serve Bright's Creek. The developer chose to put miles of infrastructure in ahead of its growth. Guard rails line many of the roads with wispy fern greenery. Timber bridges cross over Bright's Creek and Harm's Creek feeding into the Green River. Waterfalls are hidden amongst the acreage. Bright's Creek has a sewer treatment facility inside the community which is hidden, away from home sites and is barely visible from the ridgeline.

When we reached the high elevation ridgeline of Phase I, we adventured into an area locked off by a gate. Charlie shared with us plans to add a new entrance to Bright's Creek from this side of the mountain, cutting the drive from downtown Hendersonville to 15-20 minutes, versus 35 minutes coming in from NC 108. We were surprised the developer had not immediately built this road to help with sales. We chalked it up to a sign of a cautious conservative developer. We hope this entrance makes it to the top of the "to-do" list when the real estate market improves. Charlie drove through the rolling hills showing me proposed golf hole locations for the second course. Aside from the hundred miles views, the only thing missing was Julie Andrews singing "The Sound of Music". Fabulous, breathtaking, and surreal, 360 degree views, a nice finish to our visit. We wondered if he did that on purpose? pretty smart!

More observations about Bright's Creek:

In addition to the planned 30,000 square foot Clubhouse, a swimming pool, tennis courts, fitness center, and shooting club are planned. These are expensive amenities. We ran some quick calculations "in our mind" to see when logically these things might take place if they were linked to sales. With 28% of the 1,200 sold in the first 6 years, which was a good real estate market, assuming the same rate of sales, 58 lots per year, it would take 14 years to sell out the development in a best case scenario. Assuming \$400K a square foot to build the 30,000 square foot Clubhouse, the cost might be in the \$12 Million range. Hypothetically, if the developer was able to access \$100K on average from the sale of each lot, it would take 120 sales to pay for the clubhouse. So it would be reasonable to assume the Clubhouse won't be built for at least two more years. We recommend buyers find out the developer's real timeline for building amenities and if completion of amenities is tied to sales. A HUD Property Report, available to all buyers from the developer, discloses this information to buyers.

Overall, the project is exciting and well maintained. For a project of this magnitude, we would like to see more colorful wildflowers, more decorative signs, a "Walt Disney Resort" feeling. But who cares what we think. This sluggish real estate market has certainly dried up and frozen funds for non-essentials. We hope when the market returns, Bright's Creek infuses a little more money and effort into "eye candy" to catch up to what folks expect in their price ranges.

Muscle Behind Bright's Creek:

Barton Tuck, Bill Amick and Jim Rockmoore are the principals of Bright's Creek. Per Charlie Howard, Barton Tuck has retired.

Mr. Tuck is not "retired."

Bill Amick is Chief Operating Officer of Amick Poultry Farms in South Carolina.

<http://www.amickpoultry.com/amickpoultry.htm> Amick Poultry had sales of \$4 Billion in 2005 and was acquired by Pilgrim's Pride Corporation; http://www.pilgrimspride.com/digital_content/whq/whqmain.asp?ID=1000

Forbes.com has more information about Bill Amick: <http://www.forbes.com/07/02/070213a>

Jim Rockmoore owns Patton Seed and Super Sod Company out of Georgia which explains his attraction and expertise with golf communities. <http://www.pattonseed.com/>

"Great Course, Needs a Club House"
Reviewed December 31, 2014

I have played it several times and it is go to choice when I am in the area. There are several par 3's with two tee complexes that totally change the hole. Cool concept. I don't want the maintenance bill. A fair course, no really gimmicky holes. Always in good condition. They need to build a proper club house - you have the leave the course to enjoy the 19th hole. The New Kent Winery is across the street if you want wine, and the Rose and Crown is not to far away if you want good beer and food.

Visited October 2014

"Real nice course, but a number of issues"
Reviewed October 9, 2014

I will start out with saying this is a real nice course with a great layout. The tees, fairways and greens are I great shape. The greens are fast and roll real true. There are 7 sets of tees and make sure you choose one that fits your game and you will have a good time. If you go to far back the course will be punishing. The course by itself would get me to come back.

Now the bad.. you drive through a nice new neighborhood on the way into the course so when we arrived at the course what do we see for the clubhouse.. a trailer. They have very little for merchandise due to the size but even worse I restroom with only one toilet. Both my wife and I had to wait and she told me that is smelled bad. You would think that the would be separate facilities for men and women. There were a few portipotties scattered around the course but again not the type of facilities one would expect at a high end course. Lastly, we had an 11:40 tee time on a Thursday and we actually got out a bit early. We were done at 4:40 for a 5+ hour round which is horrible. There are signs in the clubhouse/trailer saying how that are committed to a speedy round..on this I grade it as a failure.

The course was great the rest not get. Looks like they have a few things to work on.

Visited October 2014

Matt Austin September 3, 2013 at 8:04 am • [Reply](#)

Check the history of Wingfield Properties, in the past few year's they've been evicted from Bright's Creek, Forest Creek and Beacon Ridge Golf & CC.

GOLF REAL ESTATE

OnLine

The Definitive Guide to Golf Communities By the Founder of LINKS Magazine

GOLF COMMUNITIES | GOLF HOLES | HOME BUYING | ABOUT | CONTACT | HOME PAGE

Quality and Number of Courses

By Barton Luck

You've made the decision; you are going to find that dream home within a golf-oriented private community. You've narrowed your search to a specific region of the country and even to a very short list of properties. But still you have questions.

One important question deals with the golf amenity itself. That is, will I be satisfied in a community that offers 18 solid and challenging golf holes or should I look at communities that offer two or more courses?

That one seemingly simple question, however, gives rise to a number of related inquiries. First and foremost should be availability; how much use and therefore, how crowded will the golf course or courses be? Also, there is the cost consideration. What is the cost difference for me, the member, if I join an 18-hole club, versus a club with 36 holes or more?

The answer to these and other questions ultimately comes down to pure numbers. At completion, how many members will the community have per 18 holes? The number that comfortably works is somewhere between 350 and 400.

This may sound low to some, especially those who have heard a developer say something like "yes, we're going to have 650 members, but most who are buying here are purchasing secondary residences. They will only be here a few months out of the year."

Don't automatically accept such statements as gospel. Ultimately, you have to assume the entire community will be permanent residences. It may be some years from now, but eventually, the community you are buying into today is going to be predominantly primary residences. If you go back and look at the communities that were developed in the '70s, that is what has happened.

Ki Hearn had over 900 before Mr.

Tuck took over

So the most important thing you need to do, as a potential investor, is look carefully at the numbers going into the project. For the sake of simplicity, let's look at a 1,000-acre development. If the developer says there will be 350-400 members in the club at completion, something is wrong. The numbers indicate otherwise.

Typically, an 18-hole facility, with clubhouse, practice area, parking and maintenance area, requires approximately 250 acres. Take out another 25 percent, or 250 acres, for roads, common areas and utilities. Now, if the average lot size for the development is three-quarters of an acre, you will see that this particular development will yield 550 to 600 lots. If that is the case, you can expect that all 550 to 600 residents will someday want to get on that golf course.

Likewise, if a development promises 750 lots and two golf courses on that same 1,000 acres, that won't work either. Despite the sales pitch, the numbers tell us it simply can't happen.

Here, we are primarily discussing communities still on the upside of the development curve. Obviously, if you are looking at a property that is completed or nearing completion, amenities are already in place. But often, potential investors are asked to evaluate a community on what it will become, not what it is. This is when it is important that you do your homework.

The savvy consumer needs to be aware of and understand certain basic principles of the development business. And as a savvy consumer, never assume that there will be a second (or third) golf course, just because the developer says there will. Though the plans may call for such, no developer should "cast in stone" that the community is going to include a second golf course.

Permit me to site one of my own current projects, Forest Creek in Pinhurst, as an example. Going into the project, our plan was to have two golf courses and 750 lots, average size eight-tenths of an acre, on 1,265 acres. The numbers work perfectly because it's an ideal site—rolling land in the North Carolina Sandhills—where the great majority of the land is usable. We had only about 150 acres of wetlands in the entire site, much of which has been incorporated into the golf course routings, providing natural hazards that add to the challenge of certain holes.

Even though the numbers were perfect, we established parameters that provided assurances for our property owners. We stated, from the beginning of the project, that once we sold 350 lots, we would begin

construction of the second course. And we would not sell another lot until construction of the second golf course began.

That is exactly what we did, and now, Forest Creek has two 18-hole designed courses in play for the members.

As a developer or as a property owner, there are advantages to having a second course, assuming the membership numbers support the facility. Obviously, for the member, there is the variety of having more holes to play, but the advantages go deeper than that.

Assuming both courses play out of the same clubhouse, you only have the overhead of one clubhouse—staffing, hard costs, etc.—spread over a larger membership. Similarly, maintenance costs for a 36-hole facility are cheaper per hole, than with 18 holes because you only have one superintendent. (You may have two assistants, but only one superintendent.) Also, the costs of equipment are averaged over 36 holes, rather than 18. Yes, you may need more equipment overall, but your equipment needs are not doubled, even though your facility is twice as large. So if it cost \$800,000 per year to maintain one golf course, you may be able to maintain 36 holes for an additional \$500,000, or \$1,300,000 total. You are able to double the amenity without doubling the cost.

As a potential investor, the advantages of having more than one golf course available to the membership are many. Should one course be needed to host a tournament, like the Member-Guest or Club Championship, or a private function—a wedding party, for example—members not involved in such events can still play on the other course. Routine maintenance practices, such as overseeding, aerification and topdressing, often require that a course be closed for a day or even a few days. By scheduling maintenance on two courses alternately, a club can always have one course available for member play. Similarly, private clubs routinely close one day a week, most of them on Monday. But clubs with more than one course can allow each course a day of “rest” without costing the membership the opportunity to play seven days a week by closing courses on different days. The additional tee times add value to your membership and provide added revenue for the club.

While there are advantages of having more than one golf course within a community, such communities will always be the exception, not the rule. The reason is simple—space. Particularly along the East Coast, there are not that many tracts of land available where a developer can purchase 1,265 contiguous acres like we have at Forest Creek.

We are currently developing a private community in the North Carolina

mountains, near Hendersonville, is called Bright's Creek. It's probably the truly rare opportunity in today's market in that it's 4,700 acres. To put that into perspective, that is four times the size of Colleton River Plantation at Hilton Head and roughly the same size as Kiawah Island without the wetlands. Those are two very successful and very well done developments; Colleton River has two golf courses and Kiawah has four on the island (two more just off the island). But there are very few such parcels remaining.

To this point, we've talked primarily about numbers. The other question you need to ask, as a potential investor, when you are looking at any golf community, regardless of its size, deals with quality. Make sure that the developer is committed to a degree of quality that satisfies your demands. And make sure the developer has the wherewithal to complete what is promised.

When you are considering purchasing within an established community, it is much easier to assess both the quality and commitment of the developer. But often, potential investors are asked to look into and predict the future when they consider purchasing property in a community that is in its earliest stages of development. And this is always the case when communities launch pre-construction sales campaigns.

Regardless of how many golf holes are promised, it is more important that a potential buyer knows exactly what is planned for the overall development. Will it be all single-family homes? Or will it be a blend of single- and multi-family housing? If so, how many condominiums are planned and what will be the total number of housing units at build-out? All of these things affect the club experience. It all goes back to what we talked about earlier; what is the ideal number of members per 18 holes of golf? You may have 36 holes within a community, but if you have 1,200 housing units, you're still going to have an oversubscribed club.

The best advice one could give a potential buyer is simply "do your homework." Look at the developer's track record, the company's history. When people come to look at Bright's Creek, we often suggest that they go and look at Forest Creek. If the developer has done other communities, go look at them. The time it will take is the best investment you can make.

— About the Author

A resident of Greenville, S.C., Barton Tuck has more than thirty years experience in the golf industry, including development, designing, construction and management. He is the owner and president of

Wingfield Properties, a company that manages seven golf courses. Currently, he is the developer and managing partner of Forest Creek, a private, upscale residential community in Pinelands, North Carolina and the developer and managing partner of Bright's Creek Golf Club, a private, upscale residential community being developed in the foothills of the North Carolina mountains near Hendersonville and Lake Lure.

Prior to that, he served as founder and chairman of GolfSouth. During his tenure with GolfSouth, he was responsible for successfully developing 10 high-end golf properties, two of which he personally designed. Prior to founding GolfSouth, Barton was president and chairman of U. S. Shelter Corporation, one of the largest developers and managers of real estate properties in the United States.

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FLORIDA STATUTES CHAPTER 720
former FS. 617.301 - 312

Selected Sections of Chapter 720 of the Florida Statutes
Chapter 617 of the Florida Statutes deals with Corporations Not For Profit.
These are the sections that address Homeowners Associations.

720.301 Homeowners' associations; definitions

720.302 Homeowners' associations; purposes, scope, and application.--

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting.--

720.304 Homeowners' associations; right of owners to peaceably assemble; display of flag.--

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights;

720.306 Associations; meetings of members; voting and election procedures; amendments.--

720.307 Transition of homeowners' association control in a community.--With respect to homeowners'

720.3075 Prohibited clauses in homeowners' association documents.--

720.308 Assessments and charges.--For any community created after October 1, 1995, the governing documents

720.309 Agreements entered into by the association.--Any grant or reservation made by any document, and any

720.31 Recreational leaseholds; right to acquire; escalation clauses.--

720.311 Dispute resolution.--The Legislature finds that alternative dispute resolution has made progress in reducing

720.312 Declaration of covenants; survival after tax deed or foreclosure.--All provisions of a declaration of

- **720.301 Definitions.--As used in ss. 720.301-720.312, the term:**
- **"Assessment" or "amenity fee"** means a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel.
- **"Common area"** means all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members, including, regardless of whether title has been conveyed to the association:
 - Real property the use of which is dedicated to the association or its members by a recorded plat; or
 - Real property committed by a declaration of covenants to be leased or conveyed to the association.
- **"Community"** means the real property that is or will be subject to a declaration of covenants which is recorded in the county where the property is located. The term "community" includes all real property, including undeveloped phases, that is or was the subject of a development-of-regional-impact development order, together with any approved modification thereto.
- **"Declaration of covenants," or "declaration,"** means a recorded written instrument in the nature of covenants running with the land which subjects the land comprising the community to the jurisdiction and control of an association or associations in which the owners of the parcels, or their association representatives, must be members.
- **"Developer"** means a person or entity that:
 - Creates the community served by the association; or
 - Succeeds to the rights and liabilities of the person or entity that created the community served by the association, provided that such is evidenced in writing.
- **"Governing documents"** means:
 - The recorded declaration of covenants for a community, and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and
 - The articles of incorporation and bylaws of the homeowners' association, and any duly adopted amendments thereto.
- **"Homeowners' association" or "association"** means a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners' association" does not include a community development district or other similar special taxing district created pursuant to statute.
- **"Member"** means a member of an association, and may include, but is not limited to, a parcel owner or an association representing parcel owners or a combination thereof.

- **"Parcel"** means a platted or unplatted lot, tract, unit, or other subdivision of real property within a community, as described in the declaration:
 - Which is capable of separate conveyance; and
 - Of which the parcel owner, or an association in which the parcel owner must be a member, is obligated:
 - By the governing documents to be a member of an association that serves the community; and
 - To pay to the homeowners' association assessments that, if not paid, may result in a lien.
- **"Parcel owner"** means the record owner of legal title to a parcel.
- **"Voting interest"** means the voting rights distributed to the members of the homeowners' association, pursuant to the governing documents.
- History.--s. 33, ch. 92-49; s. 52, ch. 95-274; s. 4, ch. 99-382; s. 44, ch. 2000-258.
Note.--Former s. 617.301.
- **720.302 Homeowners' associations; purposes, scope, and application.--**
 - (1) The purposes of ss. 720.301-720.312 are to give statutory recognition to corporations that operate residential communities in this state, to provide procedures for operating homeowners' associations, and to protect the rights of association members without unduly impairing the ability of such associations to perform their functions.
 - (2) The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof before the effective date of this act and that ss. 720.301-720.312 are not intended to impair such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.
 - (3) Sections 720.301-720.312 do not apply to:
 - A community that is composed of property primarily intended for commercial, industrial, or other nonresidential use; or
 - The commercial or industrial parcels in a community that contains both residential parcels and parcels intended for commercial or industrial use.
 - (4) Sections 720.301-720.312 do not apply to any association that is subject to regulation under chapter 718, chapter 719, or chapter 721; or to any nonmandatory association formed under chapter 723.

History.--s. 34, ch. 92-49; s. 53, ch. 95-274; s. 45, ch. 2000-258.
Note.--Former s. 617.302.

- **720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting.--**
- **POWERS AND DUTIES.--**An association which operates a community as defined in s. 720.301, must be operated by an association that is a Florida corporation. After October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located. An association may operate more than one community. The officers and directors of an association have a fiduciary relationship to the members who are served by the association. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents. After control of the association is obtained by unit owners other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to the members, including, but not limited to, the common areas; roof or structural components of a building, or other improvements for which the association is responsible; mechanical, electrical, or plumbing elements serving an improvement or building for which the association is responsible; representations of the developer pertaining to any existing or proposed commonly used facility; and protesting ad valorem taxes on commonly used facilities. The association may defend actions in eminent domain or bring inverse condemnation actions. Before commencing litigation against any party in the name of the association involving amounts in controversy in excess of \$100,000, the association must obtain the affirmative approval of a majority of the voting interests at a meeting of the membership at which a quorum has been attained. This subsection does not limit any statutory or common-law right of any individual member or class of members to bring any action without participation by the association. A member does not have authority to act for the association by virtue of being a member. An association may have more than one class of members and may issue membership certificates.
- **BOARD MEETINGS.--**A meeting of the board of directors of an association occurs whenever a quorum of the board gathers to conduct association business. All meetings of the board must be open to all members except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege. Notices of all board meetings must be posted in a conspicuous place in the community at least 48 hours in advance of a meeting.

except in an emergency. In the alternative, if notice is not posted in a conspicuous place in the community, notice of each board meeting must be mailed or delivered to each member at least 7 days before the meeting except in an emergency. Notwithstanding this general notice requirement, for communities with more than 100 members, the bylaws may provide for a reasonable alternative to posting or mailing of notice for each board meeting, including publication of notice, provision of a schedule of board meetings, or the conspicuous posting and repeated broadcasting of the notice on a closed-circuit cable television system serving the homeowners' association. However, if broadcast notice is used in lieu of a notice posted physically in the community, the notice must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. The bylaws or amended bylaws may provide for giving notice by electronic transmission in a manner authorized by law for meetings of the board of directors, committee meetings requiring notice under this section, and annual and special meetings of the members; however, a member must consent in writing to receiving notice by electronic transmission. An assessment may not be levied at a board meeting unless the notice of the meeting includes a statement that assessments will be considered and the nature of the assessments. Directors may not vote by proxy or by secret ballot at board meetings, except that secret ballots may be used in the election of officers. This subsection also applies to the meetings of any committee or other similar body, when a final decision will be made regarding the expenditure of association funds, and to any body vested with the power to approve or disapprove architectural decisions with respect to a specific parcel of residential property owned by a member of the community.

- **MINUTES.**--Minutes of all meetings of the members of an association and of the board of directors of an association must be maintained in written form or in another form that can be converted into written form within a reasonable time. A vote or abstention from voting on each matter voted upon for each director present at a board meeting must be recorded in the minutes.
- **OFFICIAL RECORDS.**--The association shall maintain each of the following items, when applicable, which constitute the official records of the association:
 - Copies of any plans, specifications, permits, and warranties related to improvements constructed on the common areas or other property that the association is obligated to maintain, repair, or replace.
 - A copy of the bylaws of the association and of each amendment to the bylaws.
 - A copy of the articles of incorporation of the association and of each amendment thereto.
 - A copy of the declaration of covenants and a copy of each amendment thereto.
 - A copy of the current rules of the homeowners' association.
 - The minutes of all meetings of the board of directors and of the members, which minutes must be retained for at least 7 years.
 - A current roster of all members and their mailing addresses and parcel identifications.
 - All of the association's insurance policies or a copy thereof, which policies must be retained for at least 7 years.
 - A current copy of all contracts to which the association is a party, including, without limitation, any management agreement, lease, or other contract under which the association has any obligation or responsibility. Bids received by the association for work to be performed must also be considered official records and must be kept for a period of 1 year.
 - The financial and accounting records of the association, kept according to good accounting practices. All financial and accounting records must be maintained for a period of at least 7 years. The financial and accounting records must include:
 - Accurate, itemized, and detailed records of all receipts and expenditures.
 - A current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay assessments, the due date and amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due.
 - All tax returns, financial statements, and financial reports of the association.
 - Any other records that identify, measure, record, or communicate financial information.
- **INSPECTION AND COPYING OF RECORDS.**--The official records shall be maintained within the state and must be open to inspection and available for photocopying by members or their authorized agents at reasonable times and places within 10 business days after receipt of a written request for access. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community.
 - The failure of an association to provide access to the records within 10 business days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this subsection.
 - A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection. The minimum damages are

- to be \$50 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.
- The association may adopt reasonable written rules governing the frequency, time, location, notice and manner of inspections, and may impose fees to cover the costs of providing copies of the official records, including, without limitation, the costs of copying. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members, and may charge only its actual costs for reproducing and furnishing these documents to those persons who are entitled to receive them.
- **BUDGETS.**--The association shall prepare an annual budget. The budget must reflect the estimated revenues and expenses for that year and the estimated surplus or deficit as of the end of the current year. The budget must set out separately all fees or charges for recreational amenities, whether owned by the association, the developer, or another person. The association shall provide each member with a copy of the annual budget or a written notice that a copy of the budget is available upon request at no charge to the member. The copy must be provided to the member within the time limits set forth in subsection (5).
- **FINANCIAL REPORTING.**--The association shall prepare an annual financial report within 60 days after the close of the fiscal year. The association shall, within the time limits set forth in subsection (5), provide each member with a copy of the annual financial report or a written notice that a copy of the financial report is available upon request at no charge to the member. The financial report must consist of either:
 - Financial statements presented in conformity with generally accepted accounting principles; or
 - A financial report of actual receipts and expenditures, cash basis, which report must show:
 - The amount of receipts and expenditures by classification; and
 - The beginning and ending cash balances of the association.
- **ASSOCIATION FUNDS; COMMINGLING.**--
 - All association funds held by a developer shall be maintained separately in the association's name. Reserve and operating funds of the association shall not be commingled prior to turnover except the association may jointly invest reserve funds; however, such jointly invested funds must be accounted for separately.
 - No developer in control of a homeowners' association shall commingle any association funds with his or her funds or with the funds of any other homeowners' association or community association.
- **APPLICABILITY.**--Sections 617.1601-617.1604 do not apply to a homeowners' association in which the members have the inspection and copying rights set forth in this section.
- **History.**--s. 35, ch. 92-49; s. 54, ch. 95-274; s. 1, ch. 97-311; s. 1, ch. 98-261; s. 46, ch. 2000-258.
- **720.304 Homeowners' associations; right of owners to peaceably assemble; display of flag.**--
- All common areas and recreational facilities serving any homeowners' association shall be available to parcel owners in the homeowners' association served thereby and their invited guests for the use intended for such common areas and recreational facilities. The entity or entities responsible for the operation of the common areas and recreational facilities may adopt reasonable rules and regulations pertaining to the use of such common areas and recreational facilities. No entity or entities shall unreasonably restrict any parcel owner's right to peaceably assemble or right to invite public officers or candidates for public office to appear and speak in common areas and recreational facilities.
- Any homeowner may display one portable, removable United States flag in a respectful manner, regardless of any declaration rules or requirements dealing with flags or decorations.
- Any owner prevented from exercising rights guaranteed by subsection (1) or subsection (2) may bring an action in the appropriate court of the county in which the alleged infringement occurred, and, upon favorable adjudication, the court shall enjoin the enforcement of any provision contained in any homeowners' association document or rule that operates to deprive the owner of such rights.
- **History.**--s. 36, ch. 92-49; s. 51, ch. 2000-258; s. 1, ch. 2002-50.
- **1Note.**--Section 3, ch. 2002-50, provides that "[t]his act applies retroactively regardless of any declaration rules or requirements of a homeowners' association dealing with flags or decorations."
- **Note.**--Former s. 617.304.
- **720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights; failure to fill sufficient number of vacancies on board of directors to constitute a quorum; appointment of receiver upon petition of any member.**--
- Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the association. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against:
 - The association;
 - A member;

- Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and
- Any tenants, guests, or invitees occupying a parcel or using the common areas.
- The prevailing party in any such litigation is entitled to recover reasonable attorney's fees and costs. This section does not deprive any person of any other available right or remedy.
- If the governing documents so provide, an association may suspend, for a reasonable period of time, the rights of a member or a member's tenants, guests, or invitees, or both, to use common areas and facilities and may levy reasonable fines, not to exceed \$100 per violation, against any member or any tenant, guest, or invitee. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, except that no such fine shall exceed \$1,000 in the aggregate unless otherwise provided in the governing documents.
 - A fine or suspension may not be imposed without notice of at least 14 days to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed.
 - The requirements of this subsection do not apply to the imposition of suspensions or fines upon any member because of the failure of the member to pay assessments or other charges when due if such action is authorized by the governing documents.
 - Suspension of common-area-use rights shall not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.
- If the governing documents so provide, an association may suspend the voting rights of a member for the nonpayment of regular annual assessments that are delinquent in excess of 90 days.
- If an association fails to fill vacancies on the board of directors sufficient to constitute a quorum in accordance with the bylaws, any member may apply to the circuit court that has jurisdiction over the community served by the association for the appointment of a receiver to manage the affairs of the association. At least 30 days before applying to the circuit court, the member shall mail to the association, by certified or registered mail, and post, in a conspicuous place on the property of the community served by the association, a notice describing the intended action, giving the association 30 days to fill the vacancies. If during such time the association fails to fill a sufficient number of vacancies so that a quorum can be assembled, the member may proceed with the petition. If a receiver is appointed, the homeowners' association shall be responsible for the salary of the receiver, court costs, attorney's fees, and all other expenses of the receivership. The receiver has all the powers and duties of a duly constituted board of directors and shall serve until the association fills a sufficient number of vacancies on the board so that a quorum can be assembled.
- History.--s. 37, ch. 92-49; s. 55, ch. 95-274; s. 2, ch. 97-311; s. 51, ch. 2000-258.
Note.--Former s. 617.305.
- **720.306 Meetings of members; voting and election procedures; amendments.--**
- **QUORUM; AMENDMENTS.--**
 - Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be 30 percent of the total voting interests. Unless otherwise provided in this chapter or in the articles of incorporation or bylaws, decisions that require a vote of the members must be made by the concurrence of at least a majority of the voting interests present, in person or by proxy, at a meeting at which a quorum has been attained.
 - Unless otherwise provided in the governing documents or required by law, and other than those matters set forth in paragraph (c), any governing document of an association may be amended by the affirmative vote of two-thirds of the voting interests of the association.
 - Unless otherwise provided in the governing documents as originally recorded, an amendment may not affect vested rights unless the record owner of the affected parcel and all record owners of liens on the affected parcels join in the execution of the amendment.
- **ANNUAL MEETING.--**The association shall hold a meeting of its members annually for the transaction of any and all proper business at a time, date, and place stated in, or fixed in accordance with, the bylaws. The election of directors, if one is required to be held, must be held at, or in conjunction with, the annual meeting or as provided in the governing documents.
- **SPECIAL MEETINGS.--**Special meetings must be held when called by the board of directors or, unless a different percentage is stated in the governing documents, by at least 10 percent of the total voting interests of the association. Business conducted at a special meeting is limited to the purposes described in the notice of the meeting.
- **CONTENT OF NOTICE.--**Unless law or the governing documents require otherwise, notice of an annual meeting need not include a description of the purpose or purposes for which the meeting is called. Notice of a special meeting must include a description of the purpose or purposes for which the meeting is called.

- **ADJOURNMENT.**--Unless the bylaws require otherwise, adjournment of an annual or special meeting to a different date, time, or place must be announced at that meeting before an adjournment is taken, or notice must be given of the new date, time, or place pursuant to s. 720.303(2). Any business that might have been transacted on the original date of the meeting may be transacted at the adjourned meeting. If a new record date for the adjourned meeting is or must be fixed under 1s. 617.0707, notice of the adjourned meeting must be given to persons who are entitled to vote and are members as of the new record date but were not members as of the previous record date.
- **PROXY VOTING.**--The members have the right, unless otherwise provided in this subsection or in the governing documents, to vote in person or by proxy. To be valid, a proxy must be dated, must state the date, time, and place of the meeting for which it was given, and must be signed by the authorized person who executed the proxy. A proxy is effective only for the specific meeting for which it was originally given, as the meeting may lawfully be adjourned and reconvened from time to time, and automatically expires 90 days after the date of the meeting for which it was originally given. A proxy is revocable at any time at the pleasure of the person who executes it. If the proxy form expressly so provides, any proxy holder may appoint, in writing, a substitute to act in his or her place.
- **ELECTIONS.**--Elections of directors must be conducted in accordance with the procedures set forth in the governing documents of the association. All members of the association shall be eligible to serve on the board of directors, and a member may nominate himself or herself as a candidate for the board at a meeting where the election is to be held. Except as otherwise provided in the governing documents, boards of directors must be elected by a plurality of the votes cast by eligible voters.
- **RECORDING.**--Any parcel owner may tape record or videotape meetings of the board of directors and meetings of the members. The board of directors of the association may adopt reasonable rules governing the taping of meetings of the board and the membership.
- **History.**--s. 38, ch. 92-49; s. 56, ch. 95-274; s. 4, ch. 96-343; s. 1718, ch. 97-102; s. 47, ch. 2000-258
1Note.--Section 617.0707 does not exist.
- **720.307 Transition of association control in a community.--With respect to homeowners' associations:**
- Members other than the developer are entitled to elect at least a majority of the members of the board of directors of the homeowners' association when the earlier of the following events occurs:
 - Three months after 90 percent of the parcels in all phases of the community that will ultimately be operated by the homeowners' association have been conveyed to members, or
 - Such other percentage of the parcels has been conveyed to members, or such other date or event has occurred, as is set forth in the governing documents in order to comply with the requirements of any governmentally chartered entity with regard to the mortgage financing of parcels.
- For purposes of this section, the term "members other than the developer" shall not include builders, contractors, or others who purchase a parcel for the purpose of constructing improvements thereon for resale.
- The developer is entitled to elect at least one member of the board of directors of the homeowners' association as long as the developer holds for sale in the ordinary course of business at least 5 percent of the parcels in all phases of the community. After the developer relinquishes control of the homeowners' association, the developer may exercise the right to vote any developer-owned voting interests in the same manner as any other member, except for purposes of reacquiring control of the homeowners' association or selecting the majority of the members of the board of directors.
- At the time the members are entitled to elect at least a majority of the board of directors of the homeowners' association, the developer shall, at the developer's expense, within no more than 90 days deliver the following documents to the board:
 - All deeds to common property owned by the association.
 - The original of the association's declarations of covenants and restrictions.
 - A certified copy of the articles of incorporation of the association.
 - A copy of the bylaws.
 - The minute books, including all minutes.
 - The books and records of the association.
 - Policies, rules, and regulations, if any, which have been adopted.
 - Resignations of directors who are required to resign because the developer is required to relinquish control of the association.
 - The financial records of the association from the date of incorporation through the date of turnover.
 - All association funds and control thereof.
 - All tangible property of the association.
 - A copy of all contracts which may be in force with the association as one of the parties.
 - A list of the names and addresses and telephone numbers of all contractors, subcontractors, or others in the current employ of the association.
 - Any and all insurance policies in effect.
 - Any permits issued to the association by governmental entities.

- Any and all warranties in effect.
 - A roster of current homeowners and their addresses and telephone numbers and section and lot numbers.
 - Employment and service contracts in effect.
 - All other contracts in effect to which the association is a party.
- This section does not apply to a homeowners' association in existence on the effective date of this act, or to a homeowners' association, no matter when created, if such association is created in a community that is included in an effective development-of-regional-impact development order as of the effective date of this act, together with any approved modifications thereof.
- History.--s. 57, ch. 95-274; s. 2, ch. 98-261; s. 48, ch. 2000-258.
Note.--Former s. 617.307.
- **720.3075 Prohibited clauses in homeowners' association documents.--**
- It is declared that the public policy of this state prohibits the inclusion or enforcement of certain types of clauses in homeowners' association documents, including declaration of covenants, articles of incorporation, bylaws, or any other document of the association which binds members of the association, which either have the effect of or provide that:
 - A developer has the unilateral ability and right to make changes to the homeowners' association documents after the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred.
 - A homeowners' association is prohibited or restricted from filing a lawsuit against the developer, or the homeowners' association is otherwise effectively prohibited or restricted from bringing a lawsuit against the developer.
 - After the transition of homeowners' association control in a community from the developer to the nondeveloper members, as set forth in s. 720.307, has occurred, a developer is entitled to cast votes in an amount that exceeds one vote per residential lot.
- Such clauses are declared null and void as against the public policy of this state.
- The public policy described in subsection (1) prohibits the inclusion or enforcement of such clauses created on or after the effective date of s. 3, chapter 98-261, Laws of Florida.
- 1(3) Homeowners' association documents, including declarations of covenants, articles of incorporation or bylaws, may not preclude the display of one portable, removable United States flag by property owners. However, the flag must be displayed in a respectful manner, consistent with Title 36 U.S.C. chapter 10.
- Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, entered after October 1, 2001, may not prohibit any property owner from implementing Xeriscape or Florida-friendly landscape, as defined in s. 373.185(1), on his or her land.
- History.--s. 3, ch. 98-261; s. 49, ch. 2000-258; s. 47, ch. 2000-302; s. 8, ch. 2001-252; s. 2, ch. 2002-50.
- 1Note.--Section 3, ch. 2002-50, provides that "[t]his act applies retroactively regardless of any declaration rules or requirements of a homeowners' association dealing with flags or decorations."
- Note.--Former s. 617.3075.

720.308 Assessments and charges.--

- For any community created after October 1, 1995, the governing documents must describe the manner in which expenses are shared and specify the member's proportional share thereof. Assessments levied pursuant to the annual budget or special assessment must be in the member's proportional share of expenses as described in the governing document, which share may be different among classes of parcels based upon the state of development thereof, levels of services received by the applicable members, or other relevant factors. While the developer is in control of the homeowners' association, it may be excused from payment of its share of the operating expenses and assessments related to its parcels for any period of time for which the developer has, in the declaration, obligated itself to pay any operating expenses incurred that exceed the assessments receivable from other members and other income of the association. This section does not apply to an association, no matter when created, if the association is created in a community that is included in an effective development-of-regional-impact development order as of the effective date of this act, together with any approved modifications thereto.
- History.--s. 58, ch. 95-274; s. 51, ch. 2000-258.
Note.--Former s. 617.308.
- **720.309 Agreements entered into by the association**
- Any grant or reservation made by any document, and any contract with a term in excess of 10 years made by an association before control of the association is turned over to the members other than the developer, which provide for operation, maintenance, or management of the association or common areas must be fair and reasonable.
- History.--s. 59, ch. 95-274; s. 51, ch. 2000-258.

Note.--Former s. 617.309.

- **720.31 Recreational leaseholds; right to acquire; escalation clauses**
- Any lease of recreational or other commonly used facilities serving a community, which lease is entered into by the association or its members before control of the homeowners' association is turned over to the members other than the developer, must provide as follows:
 - That the facilities may not be offered for sale unless the homeowners' association has the option to purchase the facilities, provided the homeowners' association meets the price and terms and conditions of the facility owner by executing a contract with the facility owner within 90 days, unless agreed to otherwise, from the date of mailing of the notice by the facility owner to the homeowners' association. If the facility owner offers the facilities for sale, he or she shall notify the homeowners' association in writing stating the price and the terms and conditions of sale.
 - If a contract between the facility owner and the association is not executed within such 90-day period unless extended by mutual agreement, then, unless the facility owner thereafter elects to offer the facilities at a price lower than the price specified in his or her notice to the homeowners' association, he or she has no further obligations under this subsection, and his or her only obligation shall be as set forth in subsection (2).
 - If the facility owner thereafter elects to offer the facilities at a price lower than the price specified in his or her notice to the homeowners' association, the homeowners' association will have an additional 10 days to meet the price and terms and condition of the facility owner by executing a contract.
- If a facility owner receives a bona fide offer to purchase the facilities that he or she intends to consider or make a counteroffer to, his or her only obligations shall be to notify the homeowners' association that he or she has received an offer, to disclose the price and material terms and conditions upon which he or she would consider selling the facilities, and to consider any offer made by the homeowners' association. The facility owner shall be under no obligation to sell to the homeowners' association or to interrupt or delay other negotiations, and he or she shall be free at any time to execute a contract for the sale of the facilities to a party or parties other than the homeowners' association.
- (3)(a) As used in subsections (1) and (2), the term "notify" means the placing of a notice in the United States mail addressed to the president of the homeowners' association. Each such notice shall be deemed to have been given upon the deposit of the notice in the United States mail.
 - As used in subsection (1), the term "offer" means any solicitation by the facility owner directed to the general public.
- This section does not apply to:
 - Any sale or transfer to a person who would be included within the table of descent and distribution if the facility owner were to die intestate.
 - Any transfer by gift, devise, or operation of law.
 - Any transfer by a corporation to an affiliate. As used herein, the term "affiliate" means any shareholder of the transferring corporation; any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation; or any other corporation or entity owned or controlled, directly or indirectly, by any shareholder of the transferring corporation.
 - Any transfer to a governmental or quasi-governmental entity.
 - Any conveyance of an interest in the facilities incidental to the financing of such facilities.
 - Any conveyance resulting from the foreclosure of a mortgage, deed of trust, or other instrument encumbering the facilities or any deed given in lieu of such foreclosure.
 - Any sale or transfer between or among joint tenants in common owning the facilities.
 - The purchase of the facilities by a governmental entity under its powers of eminent domain.
- (5)(a) The Legislature declares that the public policy of this state prohibits the inclusion or enforcement of escalation clauses in land leases or other leases for recreational facilities, land, or other commonly used facilities that serve residential communities, and such clauses are hereby declared void. For purposes of this section, an escalation clause is any clause in a lease which provides that the rental rate under the lease or agreement is to increase at the same percentage rate as any nationally recognized and conveniently available commodity or consumer price index.
- (b) This public policy prohibits the inclusion of such escalation clauses in leases entered into after the effective date of this amendment.
 - This section is inapplicable:
 - If the lessor is the Federal Government, this state, any political subdivision of this state, or any agency of a political subdivision of this state; or
 - To a homeowners' association that is in existence on the effective date of this act, or to an association, no matter when created, if the association is created in a community that is included in an effective development-of-regional-impact development order as of the effective date of this act, together with any approved modifications thereto.
- History.--s. 60, ch. 95-274; s. 107, ch. 97-102; s. 51, ch. 2000-258.

Note.--Former s. 617.31.

720.311 Dispute resolution

- The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. At any time after the filing in a court of competent jurisdiction of a complaint relating to a dispute under ss. 720.301-720.312, the court may order that the parties enter mediation or arbitration procedures.
- History.--s. 61, ch. 95-274; s. 50, ch. 2000-258.
Note.--Former s. 617.311.

720.312 Declaration of covenants; survival after tax deed or foreclosure

- All provisions of a declaration of covenants relating to a parcel that has been sold for taxes or special assessments survive and are enforceable after the issuance of a tax deed or master's deed, or upon the foreclosure of an assessment, a certificate or lien, a tax deed, tax certificate, or tax lien, to the same extent that they would be enforceable against a voluntary grantee of title to the parcel immediately before the delivery of the tax deed or master's deed or immediately before the foreclosure.
- History.--s. 62, ch. 95-274; s. 51, ch. 2000-258.
Note.--Former s. 617.312.

Questions Asked at the 12/6/16 KHA Board Meeting

- 1) Board Members Dave Ferguson and Gloria Arias signed the Mediated Partial Settlement Agreement on September 9th. Why was no one informed of this action? Why didn't you announce it at the meeting held 2 months later on November 15th?
- 2) Who decided these Board Members in particular should be the ones to sign the Agreement? Why were they the ones selected?
- 3) How many of the Board Members voted to sign the Agreement? Which Board Members voted to sign?
- 4) Who made the decision to invite only a small portion of the Association Membership to the meeting on November 15th?
- 5) We understand the mediation was court ordered. Why didn't the Board find out what the Members wanted before entering mediation?
- 6) If the Board felt the lawsuit based on property rights as supported by the Plats was so strong, why did they sign a document which would forfeit the property rights of the Members?
- 7) Why hasn't the Association publicized any updates about the golf course in The Kloverleaf monthly newsletter or other forms of communication since November 2014?
- 8) If your attorneys said not to keep the Members up to date, why didn't someone speak up and say, "That's not right. We represent the community; we do not make decisions FOR them."
- 9) How often does the Executive Committee meet? There are 4 members on the Executive Committee, correct? There have been 3 longstanding vacancies on the Board, so there has been an active Board of 7 Members, correct?
- 10) With 4 members of the Executive Committee on a 7 Member Board, the Executive Committee is a Quorum. Isn't a Quorum subject to Florida Statute 720.303? (THIS IS **NOT** THE SUNSHINE LAW)
- 11) Why weren't the Executive Committee meetings open to ALL the Members, and all decisions, agendas, and minutes made public to them as required under Florida Statute 720-303?
- 12) Were emails sent to all members of the Executive Committee? With the Executive Committee constituting a Quorum, how and when can the Members get copies of all the emails sent to and by the Executive Committee that do not reference the lawsuit?
- 13) When do you plan to have another meeting where the entire Membership can be updated on the status of the rezoning and development of the golf course? (NOT the lawsuit)

Members of the KHA Board of Directors:

My name is Ken Plante, and my wife and I are owners of Lot 27, Unit 40, 3057 O'Brien Drive, located on the Narrows/North Course. I am writing to formally voice our concern over the actions, and potential actions, of the KHA Board with respect to the proposed redevelopment of the golf course.

As you know, a public hearing was held on November 17 by the Leon County Planning Department to consider the Application for Amendment of Future Land Use Map Designation for the redesignation and ultimate rezoning of a portion of the north course of the Killearn Golf Course from Recreation Open Space to Urban Residential and Residential. The meeting was well-attended by KHA members. Noticeably absent from the meeting, other than David Ferguson, were members of the KHA Board of Directors and KHA counsel, Jennifer Weingardner (my apologies if I missed any other board member in attendance). I would hope that the lack of attendance by the board members and KHA counsel is not indicative of the Board's position with respect to the proposed amendment. It appears that the "directly affected" KHA members, as that term is used by the Board, are on their own to fight the proposed amendments and subsequent rezoning efforts and that there will be no support from KHA or counsel. I sincerely hope that that is not the case.

Staff of the Planning Department advised the attendees that Mr. Tuck had submitted a copy of a "Settlement Agreement" to the planning staff that corresponded to the proposed amendment. David Ferguson indicated that no settlement in the litigation had been reached, and that the document submitted stated, on its face, that it was not binding on either party. I am not sure that the legal niceties of the caveat was appreciated by planning staff and that the damage of a tendered "settlement" has not already been done with the submission of the document and the appearance that a formal settlement was in the works. Because of this apparent misunderstanding, I think that it is imperative that the KHA Board formally advise the planning staff that not only has no settlement been reached, but the proposal was soundly objected to by those homeowners directly affected by the proposal – the same limited number of homeowners that were advised of the planning department meeting. This position should also be firmly presented by KHA to the members of both the city and county commissions. Silence on the part of the KHA Board is tantamount to acquiescing or agreeing with the proposed changes.

Section 720.309(1), Florida Statutes, which governs the powers and duties of the Board of Directors, states, in part: "The officers and directors of an association have a fiduciary relationship to the members who are served by the association." This means all members. I fail to see how the desire of some members of KHA for a new club house on property not directly owned by KHA trumps the fiduciary duty of the Board to the members of KHA to maintain Killearn as a community as originally conceived and ultimately developed, and thereby maintain the property values of all KHA members, not only those unit owners most directly affected by the proposed changes. As explained by KHA counsel at the last town hall, invitation-only meeting, when each of the units in Killearn Estates was developed, care was taken to include covenants on the lots within each unit relating to the golf course. These covenants run with the land - with each unit and lot. The Board has no authority to exercise any action that would seek to strip me of those rights or to otherwise diminish my property rights or place a cloud on my

title with respect to those rights. I have not waived those rights. I submit that any action by the Board, including, but not limited to executing a settlement agreement with Mr. Tuck without my specific authorization, is beyond the legal scope of its authority, and carries with it potential legal consequences. The KHA Board should take immediate action and advise the Court that no settlement can be reached through mediation so the "Settlement Agreement" as executed, is taken off of the table.

I would submit that the promise of a new club house in the yet to be determined future, to be built only with the net profits from the overall redevelopment of the golf course, is a red herring that has captured the imagination of the club members as well as the Board at the expense of the real issue – the redesignation and ultimate rezoning of the property and the commensurate addition of upwards of 350 residential units and all of the associated traffic, etc. The changes will completely alter the overall character of the Killearn Estates community. That is the issue – not whether a new club house ever gets built. Recently, the City floated the idea of diverting the traffic from Thomasville Road through Killearn Estates via a four-lane thoroughfare. KHA, as a single, unified voice, made its objections heard, and the proposal was withdrawn within days of its public appearance. It appears to be counterintuitive that the Board would, through mediation and discussions with Mr. Tuck, tentatively agree to the addition of 350+ units and all associated traffic at the request of a property owner not a member of KHA. I fail to see the logic in this decision. Assuming that a new club house was not offered, what would the KHA's position be? Trading the property rights of KHA homeowners for Mr. Tuck to make a few million dollars does not seem to be in the best interest of the overall community, let alone those property owners "directly affected." All members of KHA are affected by this decision. The Board and KHA should speak as a single voice against the rezoning proposal as it did with the proposal to build a four lane thoroughfare through the community. I again refer you to the provision of section 720.309(1), Florida Statutes, which sets forth the fiduciary relationship between the Board and the members of the association. There is no fiduciary relationship between the Board and Mr. Tuck.

I would urge the members of the Board to reacquaint themselves with the provisions of Chapter 720, Florida Statutes, and the responsibilities that lie with their fiduciary responsibility to the KHA members.

Kenneth J. Plante

From: [Thomas, Debra](#)
To: [Calhoun, Sherri](#)
Subject: FW: Killearn Country Club
Date: Wednesday, January 18, 2017 9:59:45 AM
Attachments: [image001.png](#)

Please include in the record.

From: Wilcox, Barry
Sent: Tuesday, January 17, 2017 12:02 PM
To: White, Artie <Artie.White@talgov.com>; Thomas, Debra <Debra.Thomas@talgov.com>; Bryant, Cherie (Planning) <Cherie.Bryant@talgov.com>
Subject: FW: Killearn Country Club

Barry Wilcox, AICP, LEED ND AP

Division Manager

Tallahassee-Leon County Planning Dept.
Comprehensive Planning & Urban Design
850.891.6400 • barry.wilcox@talgov.com



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

From: Tom Hayward [<mailto:trhayward41@gmail.com>]
Sent: Monday, January 16, 2017 8:49 PM
To: Wilcox, Barry
Subject: Killearn Country Club

Mr Wilcox: My name is Tom Hayward a retired real estate lawyer who has been a member of Killearn for over forty years. I want to express my strong support for the proposed upgrade of the facilities which includes a new club house. My professional background certainly made me aware of the value the golf course and country club has for the Killearn Estates community as was evident to the original developers when the residential community was started in the late 60's. I feel it is still of value to the home owners and the proposed improvements would only increase that value to the residential community as a whole.

I hope after you have had an opportunity to review Mr. Tuck's proposal you will agree that it is in the best interest the Killearn community and Tallahassee area as well.

Thank you for you consideration and hopefully support.

Tom Hayward

From: [Bryan Desloge](#)
To: [Tom Hayward](#)
Cc: [Bryant, Cherie \(Planning\)](#); [Thomas, Debra](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Country Club
Date: Tuesday, January 17, 2017 11:41:17 AM

Tom, thank you for the feedback! This project is under the jurisdiction of the City although it will come before both Commissions through the comp plan review process in the next few months. I'm forwarding your email to the Planning Department so that it can be included as a part of the public record.

Without doubt this is going to be a highly controversial project because as you know, we're receiving requests to deny the project, some to alter, as well as those like yours who are in favor of the project. I understand the situation and I assure you I will take your comments, and those received from others, into consideration in my deliberations when the amendment is sent to the County Commission. Please don't hesitate to contact me if you feel I may be of help with other issues. Hope all's well with you!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Tom Hayward <trhayward41@gmail.com> 1/16/2017 7:29 PM >>>

Bryan: This Tom Hayward (Blake's dad) just wanting to express my support Mr Tuck's plan for improvements to the club. I would hope that you would use your considerable influence to help accomplish what will certainly be a continued economic stimulus for the Killearn Estates neighborhood.

Tom

Wanda Foulk
3008 Greyabbey Ct (E!)
Tallahassee, FL 32309
TALLAHASSEE FL 323
22 NOV 2016 PM 2 L



Tallahassee Leon Co.
Planning Department
Attn: Comprehensive Planning Division
300 South Adams Street
Tallahassee, FL 32301

Form 20
Amendment Cycle 20
is also available on the website.

the community is viewed as
elite & w/ this
development it
will decrease in
value in
every way

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

322 6786

I/We as owner(s) of property at this address: 3008 Greyabbey Ct. wish the information below
to be considered by the Local Planning Agency and the City/County Commissions:

Keep area 'E' as open space - We do not
want change in zoning & no additional development
SIGNED: Wanda and David Foulk

Changing this area would change &
actually lower integrity of properties in
Kilearn - the entire community would be affected
in negative way

Calhoun, Sherri

From: jb.sheedy@comcast.net
Sent: Thursday, November 17, 2016 11:00 AM
To: City Commission Aides
Subject: A Citizen Inquiry from Talgov.com - Rezoning "Narrows" at Killearn

FROM: jb.sheedy@comcast.net

DATE: 11/17/2016 11:00:10 AM

SUBJECT: Rezoning "Narrows" at Killearn

Please seriously consider denying request of Mr. Barton Tuck to negatively effect our mature settled neighborhood where out family has lived for two decades. Wende & Brian Sheedy

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map for the property shown on the map on the reverse side of this notice. You are being notified of this requested change because public records indicate that you own property within approximately 1,000 feet of the request. A location map and a summary of the request are shown on the reverse side of this notice.

Listed below are the scheduled Workshops and Public Hearings on this request. The November 17th and January 19th Open House events are opportunities for you to come and ask questions in a less formal setting prior to the start of the more formalized public hearing process. Prior to each meeting, please check www.talgov.com/planning to confirm there have been no changes to this meeting schedule.

The Local Planning Agency, City Commission, and Board of County Commissioners appreciate any information that would be useful to them in their deliberations on the amendment request. In addition to the public hearings, the Local Planning Agency and City and County Commissions will hold workshops on the proposed amendments. The public is invited to attend, but no public comments will be taken at the workshops.

Date	Meeting	Purpose	Time	Location
November 17 (Thursday)	Planning Department Staff	First Public Open House	5:30PM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Local Planning Agency	Local Planning Agency Workshop	9:00 AM	Renaissance Center 2nd Floor 435 North Macomb Street
January 19 (Thursday)	Planning Department Staff	Second Public Open House	5:30 PM	Renaissance Center 2 nd Floor 435 North Macomb Street

Rutter
3713 Goxford Circle
Tallahassee, FL 32309

TALLAHASSEE FL 323
23 NOV 2016 PM 3 T

*Tallahassee County Planning Dept,
ATTN: Comprehensive Planning Division
300 South Adams St.
Tallahassee, FL 32301*

3230131737 C004

**Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301**

Telephone: (850) 891-6400

Fax: (850) 891-6404

Amendment # PCM201702

I/We as owner(s) of property at this address: 3713 Goxford Circle wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Approve Plan
SIGNED: Wendy Rutter

RECEIVED
2016 NOV 29 P 12:30
TALLAHASSEE/LEON COUNTY

Calhoun, Sherri

From: bill.garvin@gmail.com
Sent: Thursday, November 17, 2016 11:44 AM
To: CMP_PLN_AMND
Cc: Calhoun, Sherri
Subject: 2017 Comp Plan Public Comment Submission

- **Amendment:** PCM201701 Map
- **First Name:** William Garvin
- **Last Name:** Garvin
- **Street Address:** 4042 Sawgrass Circle
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32309
- **Email Address:** bill.garvin@gmail.com
- **Comments:** My wife and I stand in opposition to the comprehensive plan change requested by Mr. Barton Tuck. As a resident of Killearn for 15 years we have watched as Mr. Tuck has allowed the Killearn Country Club to deteriorate. In spite of reaching out to the neighborhood for members and providing a quality experience to those of us who would belong to his club he has chosen to milk it dry and now he wants to take more money from his failing investment by selling property that should never be developed. A result of the zoning change will only increase traffic and further degrade the home values in this community. Please pay attention to the amount of taxes we and all of the other home owners pay each year to the city and county before you let an outside interest come in and hurt the character of this outstanding neighborhood.

From: [Perrine, Beth](#)
To: [Calhoun, Sherri](#)
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission
Date: Wednesday, February 15, 2017 9:47:11 AM
Attachments: [image001.png](#)

Beth Perrine

Staff Assistant

Tallahassee-Leon County Planning Dept.

Land Use Planning

850.891.6400 • beth.perrine@talgov.com



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

From: bill.garvin@gmail.com [mailto:bill.garvin@gmail.com]
Sent: Wednesday, February 15, 2017 9:47 AM
To: Perrine, Beth
Cc: Jay.Schuck@talgov.com; Haley, Jiwuan
Subject: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

**Citizen Comments Submission from Talgov.com for
Tallahassee-Leon County Planning Commission**

Project Name/Number: PCM 201702

Name: WILLIAM GARVIN

Street Address: 4042 Sawgrass Circle, 32399

City: Tallahassee

State: FL

Zip: 32309

Email Address: bill.garvin@gmail.com

Comments: This email is to implore the planning commission to deny the request for spot zoning changes in Killearn Estates by Barton Tuck. The increase density that will occur if the changes are approved will do impact traffic and otherwise change the face of our neighborhood. All you have to do to is look at the old nine hole course as it falls into disrepair and abandonment to see how our property values are already impacted. Approval of Mr. Tucks plan will further decrease our home values. Thank you William Garvin

From: [Nick Maddox](#)
To: bill.garvin@gmail.com
Cc: [Bryant, Cherie \(Planning\)](#); [Calhoun, Sherri](#)
Subject: Re: Killearn Estates Golf Course Rezoning
Date: Tuesday, December 06, 2016 10:35:06 AM

Mr. and Mrs. Garvin,

Thank you for contacting me. I will certainly take your comments into consideration as I discern this issue during the Comprehensive Plan process. If you have not already done so I encourage you to contact your City Commissioners also.

I am copying the Planning Department on this email so your comments will be made a part of the public record.

Best,
Nick

Nick Maddox
Leon County Commissioner -At Large, Seat 2
301 South Monroe Street, 5th Floor
Tallahassee, Florida 32301
850-606-5367
www.leoncountyfl.gov

"People Focused. Performance Driven"

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>>> <bill.garvin@gmail.com> 11/17/2016 11:20 AM >>>
FROM:"William Garvin <bill.garvin@gmail.com>

We want to express our opposition to the zoning change requested by Barton Tuck. We oppose this because we fear a change in the character of this neighborhood and because of the increase in traffic that will result with the construction of multi family dwellings. Our home values are already impacted by the closing of the golf course and this will further impact them. Mr. Tuck has stated that the proceeds from the sale of the property will be used to improve the Killearn Country Club facilities. Given Mr. Tuck's history I doubt that he will indeed improve anything. My wife and I reside at 4042 Sawgrass Circle in the Greens of Killearn.

William and Suzanne Garvin

This message sent from the Leon County Website: www.leoncountyfl.gov