

**Attached is Replacement for
Item 16 Agenda Packet**

**Joint City-County Transmittal Public Hearing on
2015-1 Comprehensive Plan Amendment Cycle**

Meeting of Tuesday, April 14, 2015

This document distributed April 9, 2015.

Joint City-County Transmittal Public Hearing

2015-1 Comprehensive Plan Amendment Cycle

April 14, 2015

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

From: Vincent S. Long, County Administrator
Anita Favors Thompson, City Manager

Title: Joint City-County Commissions Transmittal Public Hearing for the 2015-1 Cycle
Comprehensive Plan Amendments

| | |
|---|--|
| Department/ Division Review: | Alan Rosenzweig, Deputy County Administrator Wayne Tedder, PLACE Cherie Bryant, Planning Manager |
| Lead Staff/ Project Team: | Barry Wilcox, Division Manager Megan Doherty, Principal Planner |

Statement of Issue:

There are four amendments to consider in this year's cycle. The purpose of the Joint Transmittal Public Hearing is to allow the elected officials for both the City and County to receive public comments at this first public hearing and vote on the proposed amendments prior to the adoption public hearing, which will occur on May 26, 2015.

Recommendation:

Approval and transmittal of one map amendment and three text amendments to the Florida Department of Economic Opportunity.

Discussion

The Joint City-County Commissions Transmittal Public Hearing for the 2015-1 Comprehensive Plan amendment cycle is scheduled for Tuesday, April 14th at 6:00 PM in the County Commission Chambers. This packet includes the agenda, updated staff reports and attachments, and public comments received for all 2015-1 amendments through April 7, 2015.

This is the first public hearing on the 2015-1 cycle amendments. The second and final adoption public hearing for the 2015-1 amendments is scheduled for Tuesday, May 26, 2015. The full schedule for the 2015-1 cycle is included below.

Full 2015-1 Amendment Schedule:

| | |
|---|--------------------|
| Application Deadline | September 26, 2014 |
| First Public Open House | November 20, 2014 |
| Local Planning Agency Workshop | January 15, 2015 |
| Second Public Open House | January 15, 2015 |
| Local Planning Agency Public Hearing | February 3, 2015 |
| • PCT150103 DRI Thresholds for the Urban CBD | |
| • PCT150104 Sustainable Development in Lake Protection | |
| County Commission Workshop | February 10, 2015 |
| City Commission Workshop CANCELLED | February 11, 2015 |
| Third Open House | |
| • PCM150101 TALCOR Midtown | February 19, 2015 |
| Local Planning Agency Workshop | February 24, 2015 |
| • PCM150101 TALCOR Midtown | |
| Local Planning Agency Public Hearing | March 3, 2015 |
| • PCM150101 TALCOR Midtown | |
| Joint City-County Commission Workshop | March 10, 2015 |
| Local Planning Agency Workshop | March 30, 2015 |
| • PCT150105 Commercial Uses in Rural Future Land Use Category | |
| Local Planning Agency Public Hearing | April 6, 2015 |
| • PCT150105 Commercial Uses in Rural Future Land Use Category | |
| Joint City-County Transmittal Public Hearing | April 14, 2015 |
| Joint City County Adoption Public Hearing | May 26, 2015 |

Attachments:

Attachment 1: Public Hearing Agenda - Joint City-County Commissions 2015-1
Transmittal Hearing

Attachment 2: 2015-1 Summary Recommendations Matrix

Attachment 3: PCM150101 TALCOR Midtown - Staff Report

Attachment 4: PCT150103 DRI Thresholds for the Urban CBD - Staff Report

Attachment 5: PCT150104 Sustainable Development in Lake Protection - Staff Report

Attachment 6: PCT150105 Commercial Uses in Rural Future Land Use Category - Staff Report

Attachment 7: Public Comments received through April 7, 2015

Attachment #1:

April 14, 2015

**Joint City-County Transmittal
Public Hearing Agenda**

**JOINT CITY-COUNTY COMMISSIONS
2015-1 TRANSMITTAL PUBLIC HEARING AGENDA
APRIL 14, 2015 6:00 PM
Fifth Floor, Leon County Courthouse, 301 South Monroe Street**

- A. Introductory Comments by Staff**
- B. Public Comments on Consent Agenda**
- C. Consent Agenda:** Consistent recommendations from Planning Department staff and the Local Planning Agency.
 - a. PCT150103: DRI Thresholds for the Urban Central Business District
- D. Public Comments on Discussion Items**
- E. Discussion Items**
 - a. PCM150101: TALCOR Midtown
 - b. PCT150104: Sustainable Development in Lake Protection
 - c. PCT150105: Commercial Uses in Rural
- F. Adjournment**

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

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

Attachment #2:
Matrix of Recommendations
as of April 7, 2015

MATRIX FOR CYCLE 2015-1

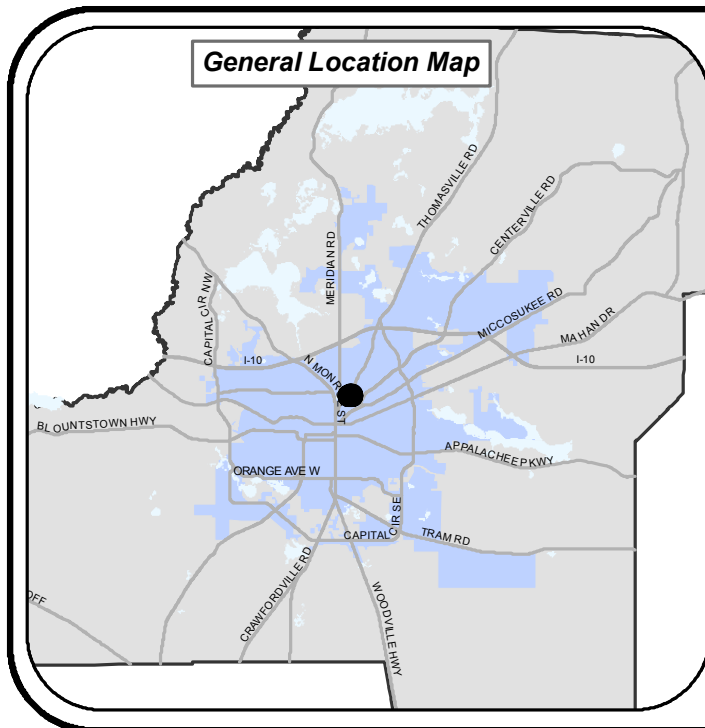
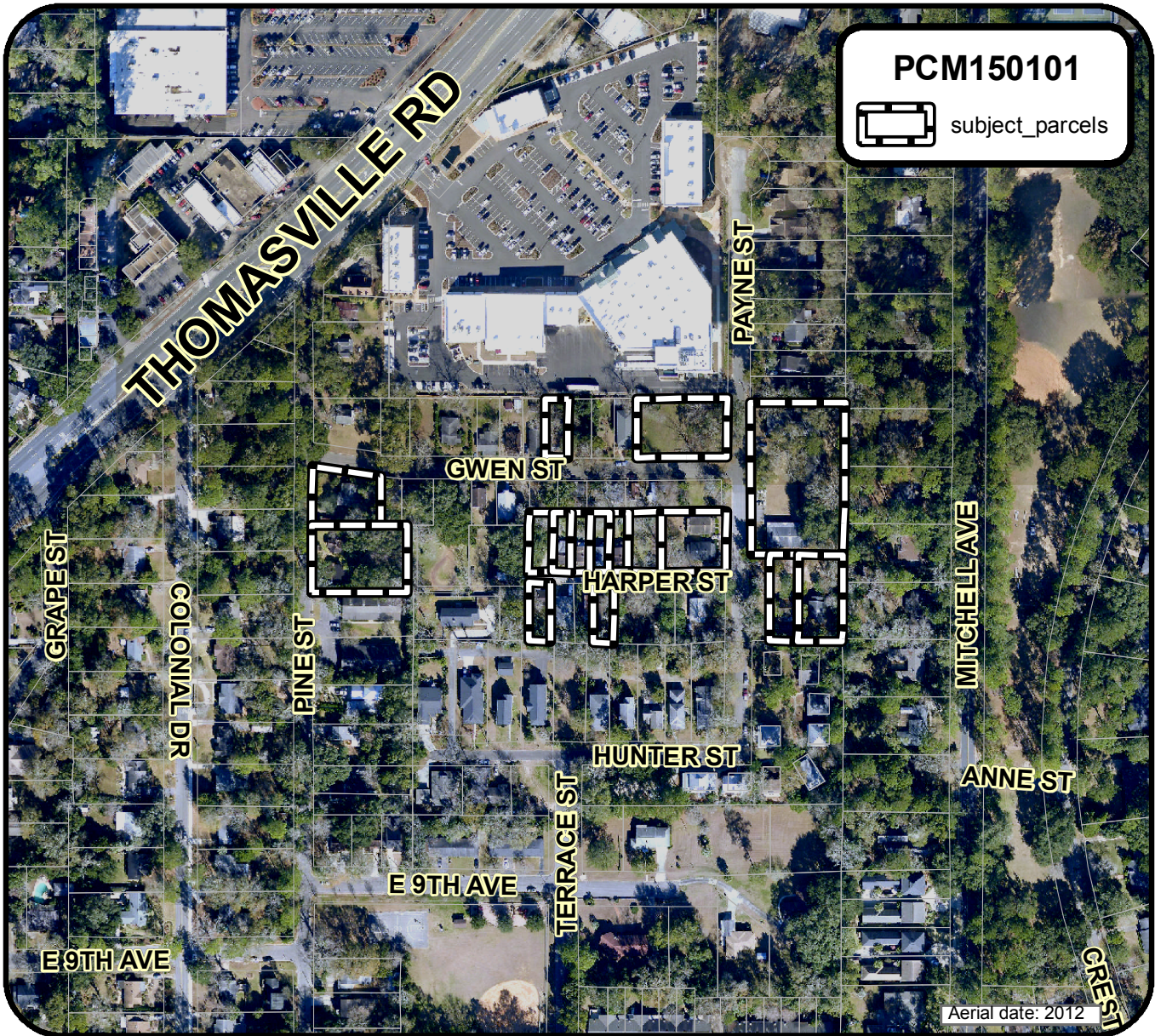
A = Approve

D = Denial

AM = Approve as Modified

| <i>Item #</i> | <i>Amendment To:</i> | <i>Nature of Proposed Amendment</i> | <i>Planning Staff Recommendation</i> | <i>Water Resources Committee Recommendation</i> | <i>LPA Recommendation</i> | <i>City Commission Position</i> | <i>Board of County Commissioners Position</i> |
|------------------|---|--|--|---|--|---------------------------------|---|
| PCM150101 | FUTURE LAND USE MAP TALCOR Midtown | From: Residential Preservation (RP) To: Urban Residential (UR) 3.79 acres | AM – Expanded to include surrounding area | Not Reviewed | D | | |
| PCM150102 | WITHDRAWN FUTURE LAND USE MAP – Chastain Manor | | | | | | |
| PCT150103 | TEXT AMENDMENT DRI In Urban CBD | Amend the Future Land Use Element to remove references to DRI in the Urban CBD which is now defunct. | A | Not Reviewed | A | | |
| PCT150104 | TEXT AMENDMENT Sustainable Development in Lake Protection | Amend the Future Land Use Element to implement the Board's strategic initiative to "develop solutions to promote sustainable growth inside the Lake Protection Zone." | A | A | AM – Recommendations detailed in staff report | | |
| PCT150105 | TEXT AMENDMENT Commercial Uses in the Rural Future Land Use Category | Amend the Rural category in the Future Land Use Element to improve clarity through format changes and evaluate appropriate commercial uses within areas designated as Rural. | A | Continued to April 7, 2015 meeting | A | | |
| PCM150106 | WITHDRAWN TEXT AMENDMENT Miers and Rockaway Properties | | | | | | |

Attachment #3:
PCM150101 TALCOR Midtown
Staff Report



**TALCOR
Midtown
PCM150101**

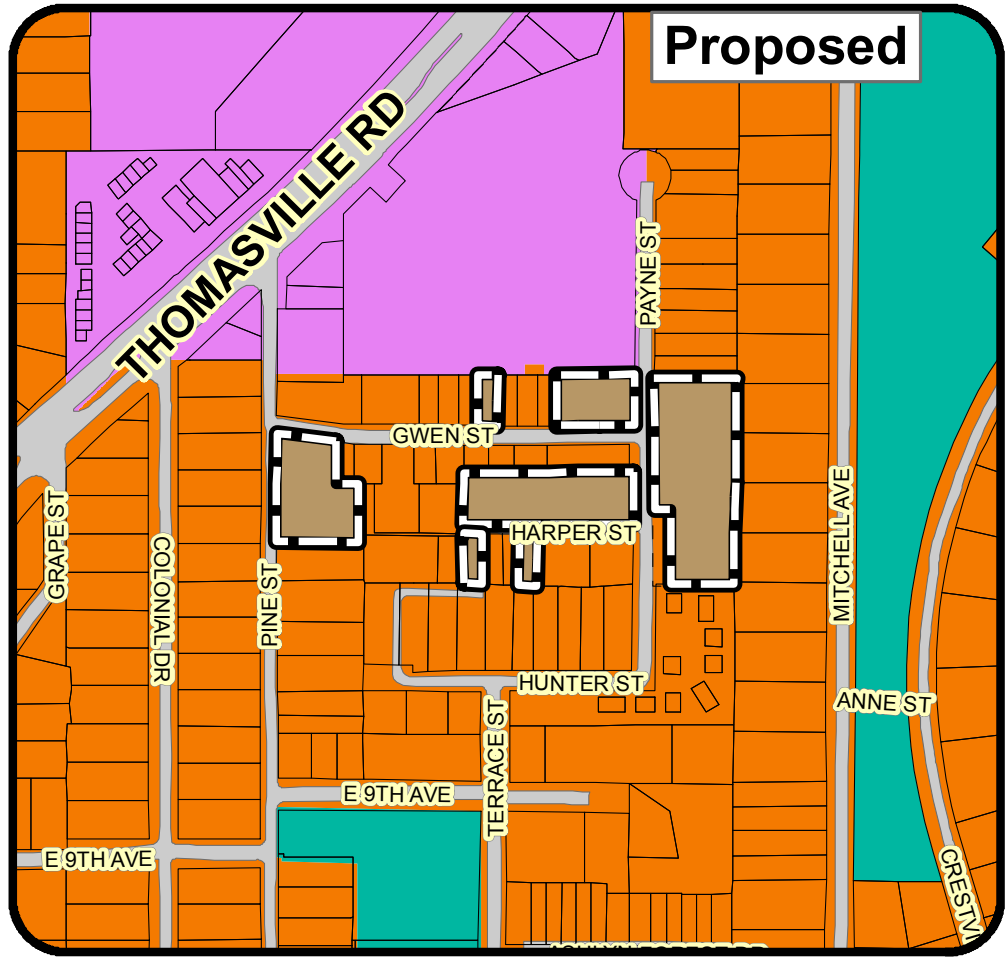
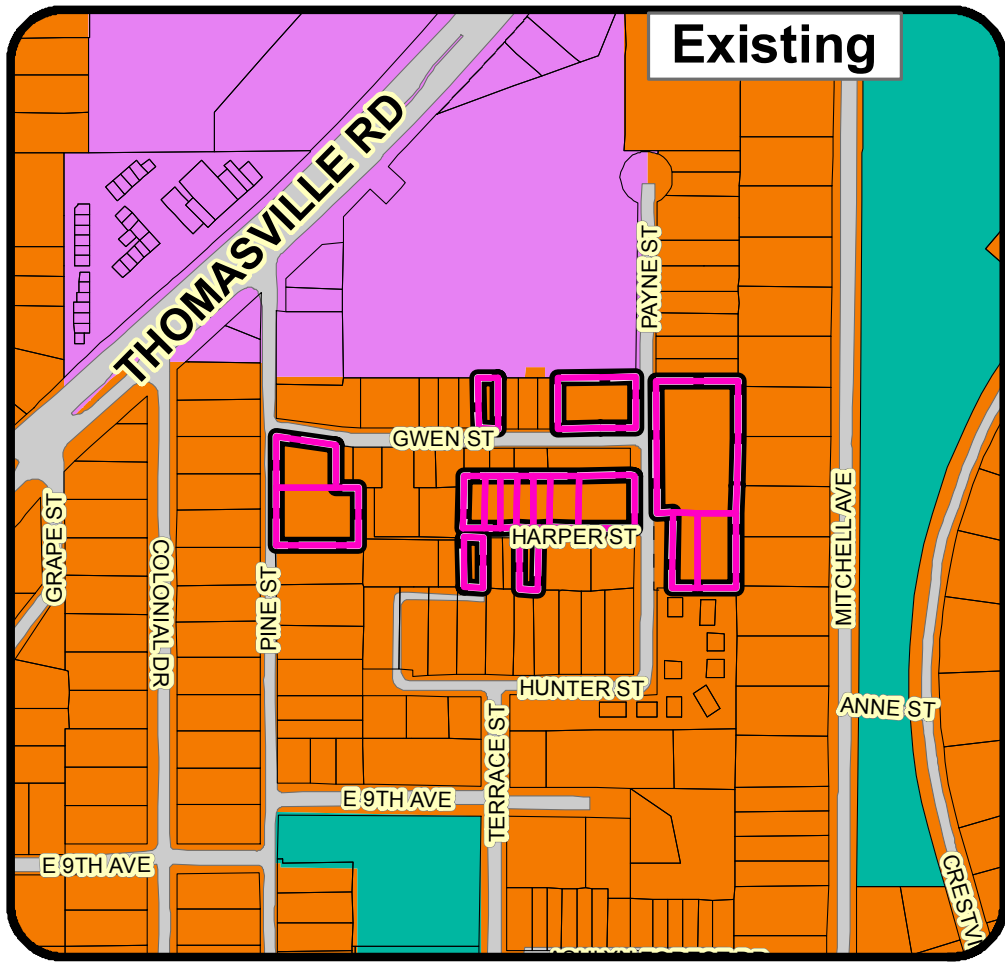
TALCOR

SITE TAX IDs:

- | | |
|-------------------|-------------------|
| 11-30-20-205-0000 | 11-30-20-232-0000 |
| 11-30-20-207-0000 | 11-30-20-233-0000 |
| 11-30-20-226-0000 | 11-30-20-239-0000 |
| 11-30-20-227-0000 | 11-30-20-243-0000 |
| 11-30-20-228-0000 | 11-30-20-246-0000 |
| 11-30-20-229-0000 | 11-30-20-250-0000 |
| 11-30-20-230-0000 | 11-30-20-251-0000 |
| 11-30-20-231-0000 | 11-30-20-287-0000 |

ACRES: 3.79 ±






Future Land Use

Legend

-  Open Space
-  RP
-  Suburban
-  UR

 Subject Parcel

TALCOR
Midtown
PCM150101
TALCOR

Existing
Residential Preservation

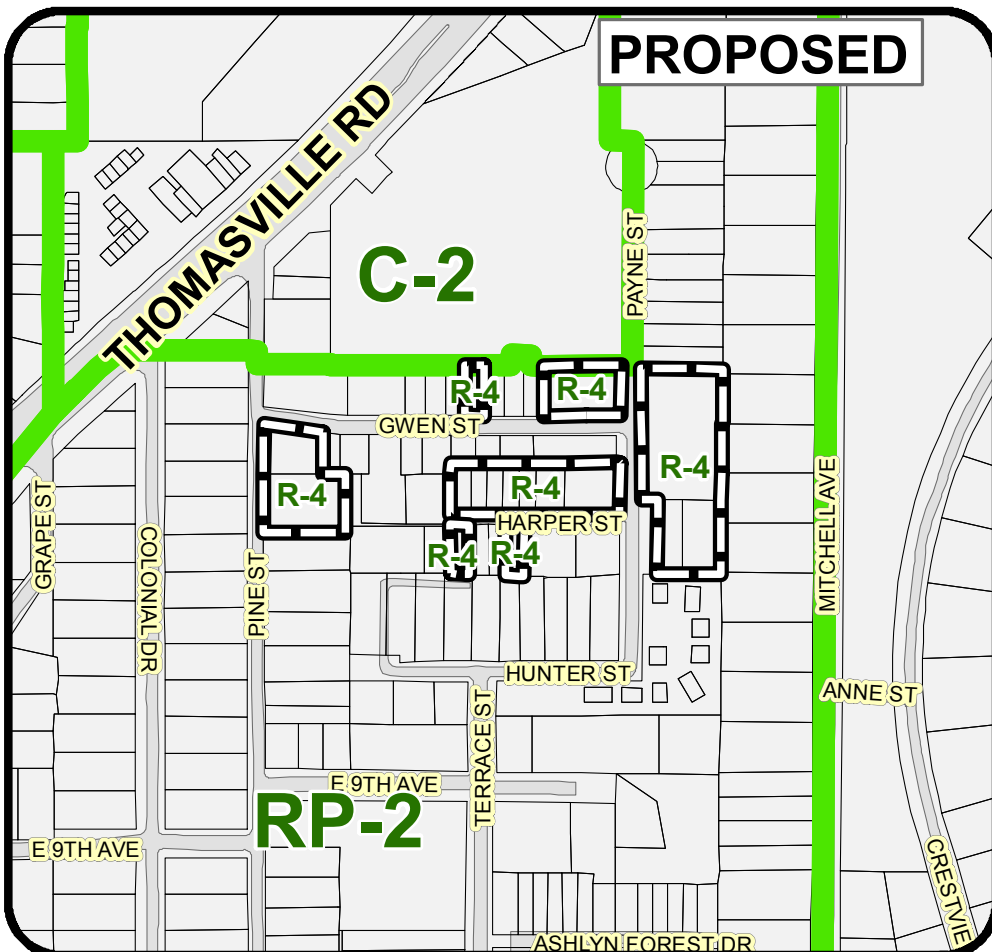
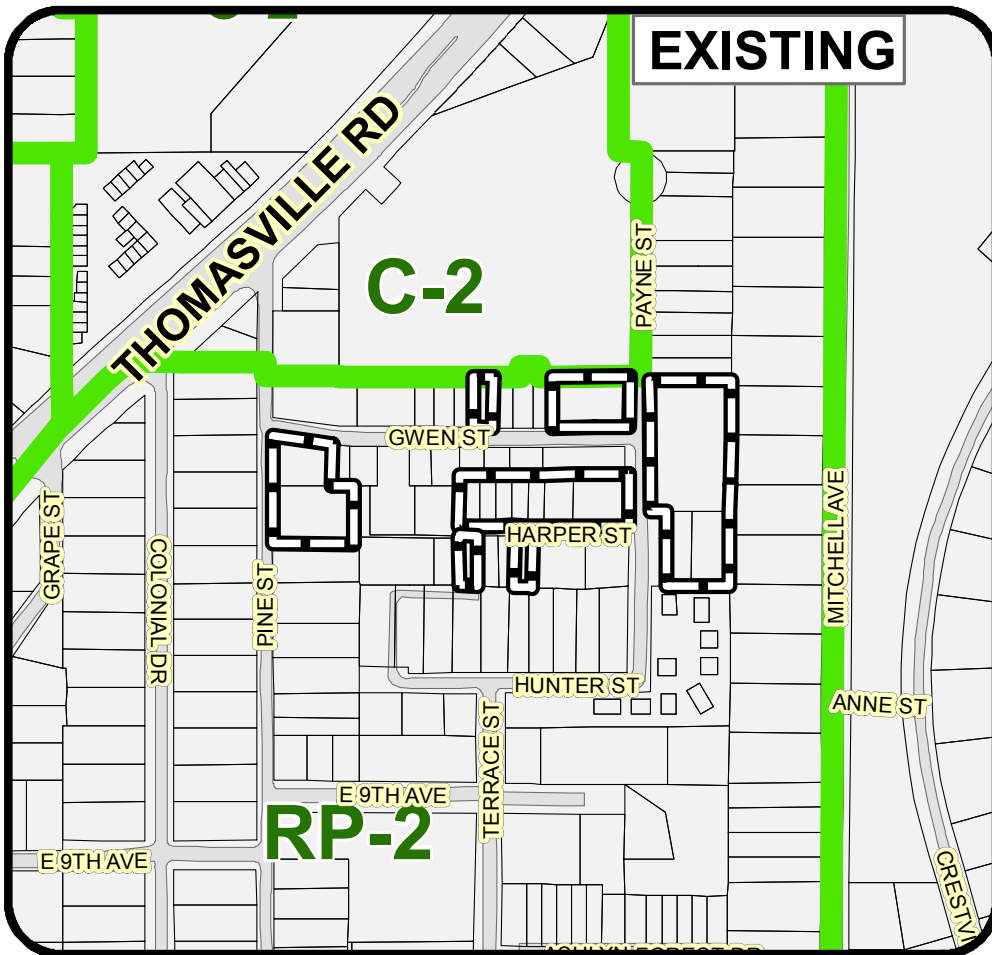
Proposed
Urban Residential

SITE TAX IDs:

- | | |
|-------------------|-------------------|
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| 11-30-20-207-0000 | 11-30-20-233-0000 |
| 11-30-20-226-0000 | 11-30-20-239-0000 |
| 11-30-20-227-0000 | 11-30-20-243-0000 |
| 11-30-20-228-0000 | 11-30-20-246-0000 |
| 11-30-20-229-0000 | 11-30-20-250-0000 |
| 11-30-20-230-0000 | 11-30-20-251-0000 |
| 11-30-20-231-0000 | 11-30-20-287-0000 |



ACRES: 3.79 ±





ZONING

Legend

-  Subject Parcel
-  zoning

TALCOR
Midtown
PCM150101
TALCOR

Existing

RP-2

Proposed

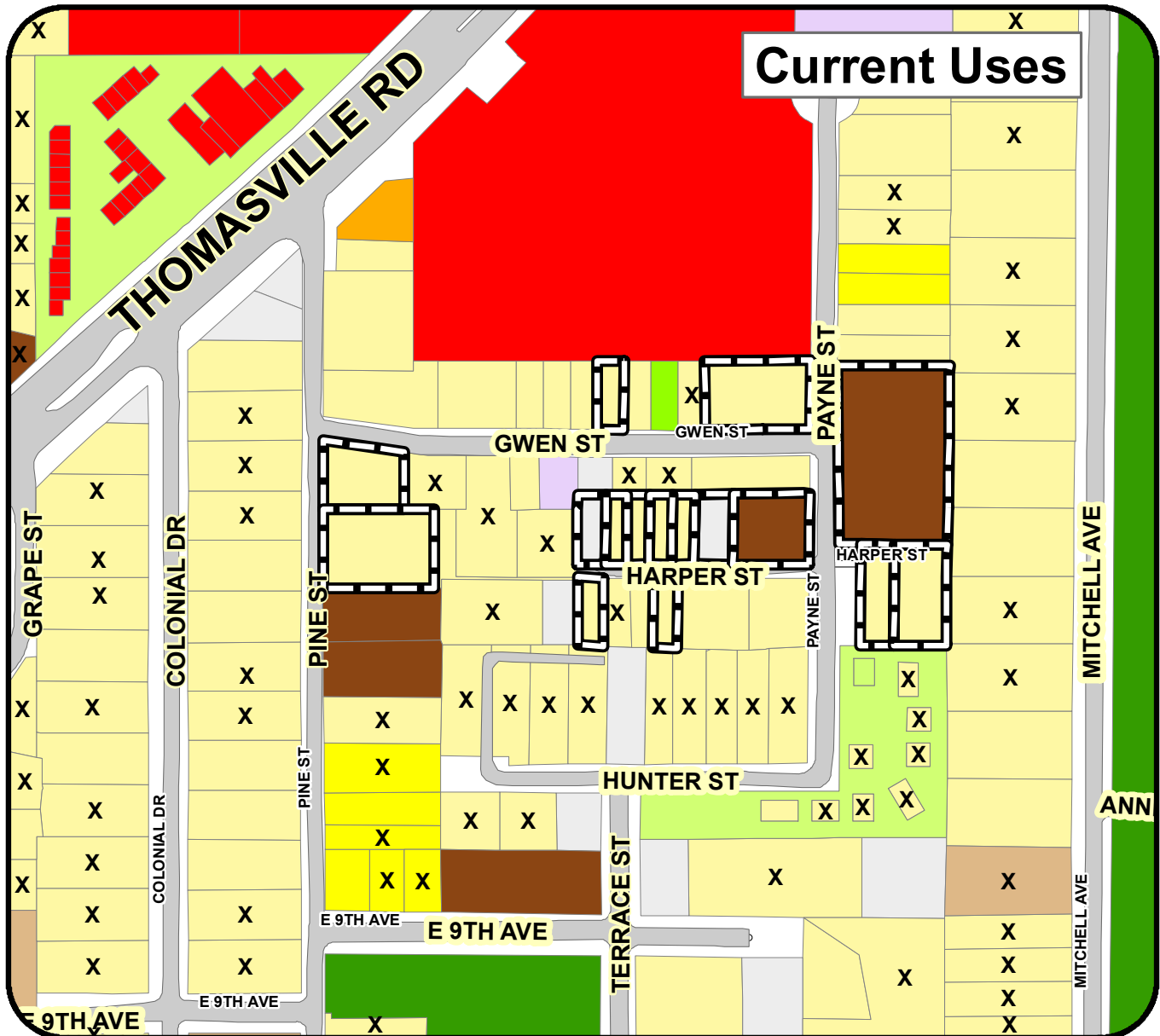
R-4

SITE TAX IDs:

- | | |
|-------------------|-------------------|
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| 11-30-20-207-0000 | 11-30-20-233-0000 |
| 11-30-20-226-0000 | 11-30-20-239-0000 |
| 11-30-20-227-0000 | 11-30-20-243-0000 |
| 11-30-20-228-0000 | 11-30-20-246-0000 |
| 11-30-20-229-0000 | 11-30-20-250-0000 |
| 11-30-20-230-0000 | 11-30-20-251-0000 |
| 11-30-20-231-0000 | 11-30-20-287-0000 |

ACRES: 3.79 ±





Legend



Subject Parcels

X Homestead Exemption Parcels

Current Uses (Oct. 2013)

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

- SITE TAX ID:**
- 11-30-20-205-0000
 - 11-30-20-207-0000
 - 11-30-20-226-0000
 - 11-30-20-227-0000
 - 11-30-20-228-0000
 - 11-30-20-229-0000
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 - 11-30-20-243-0000
 - 11-30-20-246-0000
 - 11-30-20-250-0000
 - 11-30-20-251-0000
 - 11-30-20-287-0000

**TALCOR
Midtown
PCM150101**

TALCOR

ACRES: 3.79 ±



MAP AMENDMENT #: PCM150101

APPLICANT: TALCOR Urban Housing LLC

TAX I.D. # s: 16 Parcels (± 3.79 acre) - See Attachment #1

CITY X **COUNTY**

CURRENT DESIGNATION: Residential Preservation (RP)

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

DATE: ~~January 7, 2015~~ Updated February 20 and April 8, 2015

UPDATED STAFF RECOMMENDATION: Expand the proposed future proposed land use change to include all the parcels along Gwen Street, Harper Street, and selected parcels along Payne Street and Pine Street in the vicinity of the subject site (Attachment #2 - Proposed Expansion Area Map) and approve Urban Residential for the Future Land Use Designation with R-4 as the implementing zoning district (Revised February 20, 2015).

On March 3, 2015 the Local Planning Agency recommended denial (4-3) of the proposed amendment based on the lack of existing policies addressing affordable housing and the absence of a sector plan guiding residential development in the Midtown area. Staff recommendation for approval of the expanded area remains. Further discussion is included on page 17.

A. SUMMARY:

This is a request to change the Future Land Use Map designation of approximately 3.79 acres from “Residential Preservation” to “~~Urban Residential-2~~” “Urban Residential”. The subject site is located south of the Miracle Plaza Shopping Center and consists of sixteen (16) non-contiguous parcels (See Attachment #1). These parcels are located along Gwen Street, Harper Street, Pine Street, and Payne Street, in a neighborhood traditionally referred to as “Carroll’s Quarters.”

Throughout this report, the term “subject site” shall refer to the sixteen (16) parcels included in the map amendment request and the term “subject area” shall refer to the Expansion Area depicted on Attachment #2.

The applicant has requested this change to allow for smaller lot sizes and higher residential densities than are currently permitted under the ad subject site’s adopted land use (Residential Preservation), which allows attached and detached single-family housing at a maximum density of six (6) units per acre. The proposed ~~Urban Residential-2~~ Urban Residential designation

would allow attached and detached multi-family and single-family housing at a maximum density of ~~twenty (20)~~ ten (10) units per acre.

A zoning change from Residential Preservation-2 (RP-2) to ~~Medium Density Residential (MR-1)~~ R-4 Urban Residential is being requested to implement the proposed future land use change. A rezoning application has been filed concurrent with this amendment.

B. REASONS FOR RECOMMENDATIONS TO APPROVE:

1. The proposed land use change would create an appropriate transitional area between the lower density residential neighborhoods to the south of the subject area and the more intense, commercial uses along Thomasville Road.
2. The subject area is located within the Multimodal Transportation District (MMTD). Approval of the amendment, including the expansion of the land use change to the subject area, would further the goals of the MMTD by promoting infill development and redevelopment within the urban core and allowing for the higher residential densities required to support enhanced transit service.
3. Given that the parcels comprising the subject site are not all contiguous and are interspersed throughout the subject area, the proposed future land use and zoning changes should be expanded to ensure consistency between the future and existing development patterns in this area. . The recommended expansion area includes all parcels along Gwen Street and Harper Street, and selected parcels along Payne Street and Pine Street in the vicinity of the subject site (see Attachment #2).
4. The subject site and proposed expansion area are currently comprised of a variety of housing types, including single-family attached and detached units and small, multi-family complexes, thus presenting a development pattern consistent with the intent of areas designated as ~~Urban Residential-2~~ Urban Residential.
5. The proposed land use change for the subject site and expansion area are consistent with Land Use Objective 2.1 and corresponding Policy 2.1.8 which seek to maintain a viable mix of available residential densities to accommodate a variety of housing types and choices.
6. The proposed land use change for the subject site and expansion area would support and further the Comprehensive Plan Vision statement which calls for infill development and redevelopment in the urban core.

C. APPLICANT'S REASON FOR THE AMENDMENT:

The applicant provides the following purpose for the proposed change:

“TALCOR Urban Housing, LLC is a local investment group that has purchased multiple residential properties in the Midtown neighborhood behind Whole Foods Shopping Center on Thomasville Road. The area is more particularly centered around Payne Street, Gwen Street, Pine Street and Harper Road. These properties currently are within the Residential Preservation Future Land use Category and the RP-2 Zoning District. The requested Future Land Use Amendment would change the properties to the ~~UR-2~~ UR Land Use Category and the ~~MR-1~~ R-4 Zoning District in order to increase the allowed density and smaller lot sizes of proposed residential development on these aggregated properties. The redevelopment of these existing residential properties is consistent with the vision of the Comprehensive Plan toward a great density and variety of residential opportunities within close proximity to the downtown and urban core areas. The area is in close proximity to employment, educational, recreational and commercial opportunities and is adjacent to existing mass transit routes.”

D. STAFF ANALYSIS:

In determining whether the subject site and/or expansion area should remain in the Residential Preservation land use category or be changed to the ~~Urban Residential-2~~ Urban Residential category, several issues should be considered. Below is a summary of these issues as they pertain to the subject site.

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

Land Use Element Objective 2.2 of the Comprehensive Plan provides guidance for the mapping of future land use categories. These categories are designed to promote a variety of land use types and patterns to meet the needs of the community. It should be noted that the adopted Comprehensive Plan, and associated Future Land Use Map, have a planning horizon of 20 years.

Current Land Use Category - Residential Preservation

The subject site is currently designated Residential Preservation (RP) on the Future Land Use Map (FLUM). The primary function of the RP category is to protect existing stable and viable 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. Community facilities, such as schools and churches, are also permitted. 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:

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

With the exception of the Miracle Shopping Center, the subject site and surrounding area consists primarily of single-family attached, single-family detached residences, and some multi-family units.

B) Majority of traffic is local in nature.

i) Predominance of residential uses front on local streets.

The subject parcels access local streets (Gwen Street, Payne Street, Harper Street, and Pine Street).

ii) Relatively safe internal mobility.

No sidewalks exist on the local streets accessed by the subject parcels; however, internal mobility is relatively safe due to low speeds and low traffic volumes. There are several sidewalks within the surrounding areas that could be connected during redevelopment to form a continuous network of safe pedestrian facilities.

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

Residential densities in the Comprehensive Plan are defined as gross densities. The overall gross density for the subject site is eight (8) units per acre, while overall density for the subject area is approximately six (6) units per acre.

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

The existing residential development in the subject area consists primarily of single-family attached and detached residences. A limited number of multi-family units, in the form of small, single-story complexes, exist within the area as well.

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

i) Degree of home ownership.

None of the subject site parcels have homestead exemptions as all are currently owned by the amendment applicant. Approximately 15% of the parcels in the subject area receive a homestead exemption.

ii) Existence of neighborhood organizations.

The subject area is within the Midtown Neighborhood Association boundary which is a member of the Council of Neighborhood Associations (CONA).

Areas designated as Residential Preservation are not required to meet all of the aforementioned metrics, but should be consistent with a majority. The subject site and subject area appear to meet most of the criteria for the Residential Preservation category, with the most prominent exception being the degree of homeownership. While statistics imply that the majority of the residences in the area are rental units, it should be noted that

many of these homes have been rented by the same individual(s) for numerous years. In talking with residents of the subject area, staff was informed that some have rented the same home for over 40 years.

Proposed Land Use Category - ~~Urban Residential-2~~ Urban Residential (UR)

As previously discussed, the proposed amendment is a request to change the FLUM designation of the subject properties to ~~Urban Residential 2 (UR-2)~~ Urban Residential (UR). The primary intent of this land use category is to encourage the development of a range of housing densities and types (4-10 dwelling units per acre); thereby promoting infill development, reducing urban sprawl, and maximizing the efficiency of urban infrastructure. The category may serve as a transition between low density residential land use categories and more intense mixed and non-residential uses. Implementing zoning district(s) are to contain design standards, as well as locational criteria, intended to accomplish these goals. Because the subject area is located within the MMTD, the pedestrian-oriented design standards of the MMTD Code will apply to all future residential redevelopment within the subject area.

The ~~UR-2~~ UR category is not intended to be applied within the interior of an existing ~~designated Residential Preservation area~~ neighborhood; however, the subject area and some subject parcels are directly adjacent to the Miracle Plaza Shopping Center, an existing commercial node along Thomasville Road which is designated Suburban. Staff has concluded that the parcels along Gwen Street, Harper Street, and portions of Pine Street and Payne Street make up the edge of the ~~Residential Preservation~~ neighborhood in this area; therefore, this prohibition would not apply to this request.

The proposed ~~UR-2~~ UR category would allow townhouse, single-family detached, two-family, and multi-family units as well as community facilities related to residential uses. The category does not permit retail or office uses. Since the subject site, and surrounding area, is comprised of a broad variety of housing types, staff believes could the subject area is consistent with the intended development pattern for ~~UR-2~~ UR areas.

2. *Consistency of the Proposed Change with the General Character of the Area*

Historic and Existing Character of the Area

The subject site is located in an area that was known as the “Bottom” and/or “Carroll’s Quarters”. Carroll’s Quarters was a historic African-American community named for the chief landlord, Annie Carroll, a black woman. She and her family were entrepreneurs and owned extensive property, including a store, near Thomasville Road south of the Miracle Shopping Plaza. Gwen Street, a prominent street in the area, was named for one of the family members. Shiloh Primitive Baptist Church, a small African-American church, is also located on Gwen Street and still has an active congregation.

The subject area still consists of quaint smaller homes mostly in the shotgun style with small yards. The sizes of these homes range from 540 square feet to approximately 1200 square feet. Most of these homes were built in the early 1930's and 1940's. In addition to the single-family homes, the subject site contains two properties with single story multi-family units (consisting of two duplexes and three quadplexes) built in the late 1950's and 1960's.

Appropriateness of Proposed Amendment

The Comprehensive Plan recognizes the value of existing residential neighborhoods and seeks to protect them from incompatible uses that could adversely impact their viability. The Plan contains several policies that encourage the protection of neighborhoods including:

- Land Use Policy 2.1.1 - protects these areas from the encroachment of incompatible uses that are destructive to their character
- Housing Objective 3.2 - seeks to foster and maintain the viability of residential areas, neighborhoods, and the housing stock located within them.

While the Plan seeks to maintain the integrity of existing neighborhoods, it also encourages infill and redevelopment that introduces a wider range of housing types and densities. Coalescence of these goals can be accomplished through good design. To this end, the ~~UR-2~~ UR category requires that implementing zoning districts contain design standards intended to achieve the category goals and ensure compatibility with existing residential development.

Below is a list of zoning districts that implement the ~~UR-2~~ UR category. In conjunction with the proposed amendment, the applicant is requesting to rezone the subject site to ~~Medium Density 1 (MR-1)~~ R-4 Urban Residential.

| Potential Zoning | Density Range (DU/acre) | Minimum Subject Site Yield (DU) | Maximum Subject Site Yield (DU) |
|------------------|-------------------------|---------------------------------|---------------------------------|
| R-3 | 4-8 | 15 | 30 |
| R-4 | 4-10 | 15 | 37 |
| MR | 6-12 | 22 | 45 |
| MR-1 | 8-16 | 30 | 60 |

It should be noted that prior to the adoption of the Comprehensive Plan in 1990, the subject site and surrounding area were zoned “RM-1 Single, Two, Three, Four, and Multiple Family Residential”. This district allowed 17.4 dwelling units per acre and could have yielded 65 units on the subject site.

Finally, the existing neighborhood has an average density of approximately 8 units per acre, making many of the existing lots nonconforming under the existing RP FLUM designation. The Urban Residential designation would bring it into conformity.

Zoning District Changes

In conversations with area residents, the primary concern focused on the allowance for apartments provided by the requested zoning district. The applicant has stated that the redevelopment plans do not include an apartment complex and a zoning district which prohibits apartment complexes would be acceptable in order to address neighborhood concerns.

3. *Evaluation of the Applicant's Request in the Context of the Goals, Objectives, and Policies of the Comprehensive Plan*

One of the primary goals of the Comprehensive Plan is to direct development to areas with existing infrastructure and proximate to complimentary uses, such as employment centers, public services and facilities, and retail opportunities.

The subject site is located within the Urban Service Area (USA), the Multimodal Transportation District (MMTD), and the Midtown Placemaking District. It is in close proximity to employment centers, educational and recreational facilities, and retail shopping opportunities.

The proposed ~~Urban Residential-2~~ Urban Residential designation would allow the development of a broader range of housing types while maintaining the residential character of the area. It could also provide an appropriate transition between the low density residential areas to the south of the subject site and the more intensive commercial development to the north.

4. *Availability of Infrastructure*

Transportation and Access to Services

The subject site is centrally located in the City and is serviced by all the essential urban services. The site has access to City water and sewer, StarMetro transit, numerous parks, cultural, and recreational facilities. The site is located within the MMTD, which was established to provide a safe, convenient, comfortable and aesthetically pleasing transportation environment that promotes walking, cycling, and transit use. The MMTD also promotes a mix of uses, urban infill, and well-designed buildings and public places. The proposed amendment would support and further the goals of the District by promoting urban infill within the urban core.

Stormwater

At an open house held on November 20th, residents raised several issues pertaining to infrastructure needs. A primary concern was the flooding routinely experienced along Gwen Street, Payne Street and Pine Street. The City's Stormwater Division is currently analyzing the area and should complete their study by early 2015. In addition, if the proposed amendment is approved and the density for the area is increased, an Environmental Assessment could be required for new development.

Parking

At the same open house, residents also voiced concerns regarding the effect more units would have on parking within the neighborhood. Parking issues would be addressed in the future project design and development review.

5. *Additional Planning Issues*

Displacement of Existing Residents

The subject site is located in the area generally referred to as Midtown. As previously mentioned, the subject site is located in an older, historically African- American neighborhood. The homes were built in the early 1930's and 1940's on metes and bound parcels, and were not part of a platted subdivision. The homes that remain today are unique and representative of a specific local, vernacular. They are also close to many of the City's amenities and have provided long-term, low cost housing to residents. These long-term renters could potentially be displaced as the area is redeveloped.

Limited Geographic Extent of Request

Since the subject site is comprised of several, non-contiguous parcels, the proposed amendment could be construed as "spot zoning". To address this issue, staff is recommending approval of the proposed map amendment contingent upon the expansion of the amendment area to include surrounding parcels. The recommended expansion area includes all parcels along Gwen Street and Harper Street, and selected parcels along Payne Street and Pine Street in the vicinity of the subject site (see Attachment #2). Expansion of the amendment area would ensure consistency and compatibility throughout the immediate neighborhood and form a logical transition area between higher intensity uses along Thomasville Road and lower density residential neighborhood to the south and east.

Consistent with this recommendation, the owner of two (2) properties in the subject area has recently requested to be included in this amendment (Attachment # 3). These properties are within the proposed expansion area.

Future Multi-family Development

The subject site and expansion area's current land use designation (RP) allows for single family, townhouse, and cluster housing, but does not permit multi-family development. Existing multi-family development within the area was developed prior to the adoption of the comprehensive plan in 1990 and is considered a legally non-conforming use.

Both the ~~UR-2~~ UR land use category and ~~MR-1~~ R-4 zoning district allow for multi-family development. Residents of the area have expressed concern that, if adopted, the proposed amendment would permit the applicant (and any property owners in the expansion area) to develop multi-family housing by right and with no additional design criteria or limitations to ensure compatibility with surrounding single family development.

The applicant and applicant's representatives have stated, in numerous meetings with staff and residents, that they have no intention of developing multi-family housing on the subject site or within the expansion area. They have stated that they're seeking the requested amendment and rezoning to allow development of higher density, attached and detached single family units, consistent with the residential uses currently permitted within the RP land use category and zoning district.

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.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

Environmental Features

The subject property is within the Lake Lafayette drainage basin. County environmental information currently indicates no protected or other significant environmental features onsite. An onsite Natural Features Inventory may reveal the presence of other unknown environmental features.

Water/Sewer

City water and sewer are available to the area.

Transportation

StarMetro transit service is available in this area with multiple routes servicing stops along Thomasville Road and Seventh Avenue. There are no existing sidewalks on the local streets which the subject parcels access. However, internal mobility is relatively safe due to low traffic volumes as all streets are local. There is a sidewalk on Hunter Street and partial sidewalk on the southern section of Payne Street which were constructed as part of the DayStar development. There are also sidewalks located on Thomasville Road and Colonial Drive, near the subject area. Because the subject site is located within the MMTD, a

roadway capacity analysis is not required. A concurrency analysis will be completed at the time of site plan submittal to determine roadway impacts.

Schools

The subject site is zoned for Kate Sullivan, Cobb Middle School, and Leon High School.

School concurrency impact forms have been submitted to the Leon County School Board's Division of Facilities, Construction and Maintenance. The number of projected students and available capacity will be included in this report when this data is provided. Final school concurrency calculations will be conducted when a site plan for development is submitted.

Optional Sustainable Development Survey

The amendment application forms include a sustainable development survey that allows applicants to provide information about the proximity of services to the site under review. This form was included in the applicant's application for the map amendment.

F. STAFF REPORT UPDATE

Since the initial staff report dated January 7, 2015, staff has been working to address continuing community concerns pertaining to this request, including:

- A. Future Development Compatibility Issues: To address residents' concerns and to ensure greater compatibility with the surrounding neighborhood, the applicant has amended their application to request a less intense future land use category: Urban Residential (UR) with R-4 as the implementing zoning district. The UR land use and R-4 zoning are designed specifically to buffer higher intensity non-residential uses from established residential neighborhoods.
- B. Stormwater: As noted previously, flooding has been identified as an issue by residents living along Gwen Street, Payne Street and Pine Street. While presently the subject site is not designated as a special flood hazard area, there is some flooding in the area. The area is in a close basin and is referred to as the bottom by longtime residents since it is in a low area. Currently, the Stormwater Department is studying the area because of reported flooding along Gwen Street and Payne Street. The Comprehensive Plan Vision Statement states that "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". The current City Land Development Code provides regulations pertaining to stormwater. Redevelopment in the subject area will be required to meet these standards. However, the lower density allowed under UR should result in less impervious surface, therefore, meeting stormwater standards would be easier.

- C. Land Development Code Revisions: Both UR future land use category and the R-4 zoning district allow residential density up to 10 units per acre. However, the R-4 zoning district limits residential development accessing a local street to 8 units per acre. Staff is recommending that the Land Development Code be amended to delete this restriction for zoning districts located within the Multi-Modal District (MMTD), excluding areas zoned Residential Preservation and residential zoning districts allowing 8 units or less (R-1, R-2, and R-3).
- D. New Applicant Acquired Properties within the Subject Area: Since submittal of the original request, the applicant has acquired an additional parcel in the area. The parcel is on the southwest corner of Gwen Street and Payne Street (referenced by Tax ID # 11-30-20-218-0000). This acquisition brings the applicant total acreage in the subject area to 3.9. With the proposed change the applicant could possibly get 39 units based on how the applicant's parcels are configured, since contiguous lots can be aggregated (see Attachment # 4). Currently, there are 27 units on these 17 parcels comprising the subject site.
- E. MMTD Density Bonus: Mobility Element Policy 1.1.10 provides for a density bonus up to 35% in the MMTD to promote/encourage redevelopment and infill development. This would allow the applicant to build additional residential units. However, Policy 1.1.10 has to-date only been added to the Downtown Overlay zoning district within the Land Development Code. Staff will work with Growth Management to amend the Land Development Code to implement the residential density bonus in eligible districts within the MMTD, including R-4.
- F. Additional Public Outreach and Notification: Per the direction of the Local Planning Agency at the January 15, 2015 2015-1 Workshop, the Planning Department has noticed all property owners within 1000 feet of the expanded subject area (Attachment #5). Notices were sent out via mail the second week of February with the updated land use request (Attachment #6). The notices also provided information about a community open house held on February 19th specifically to discuss the amended request for the subject area. Since the publication of the original staff report on January 8th, two community open houses and a Local Planning Agency (LPA) Workshop have been held.
- G. Land Use Policy 2.2.3 - Transitional Development Areas (Updated February 26, 2015): On February 24, 2015, a second LPA Workshop was held to discuss the change in the requested FLUM designation to Urban Residential (UR) and additional issues raised by the LPA at the January 15th workshop. Much of the discussion focused on the proposed amendment's consistency with the provisions of Land Use Element Policy 2.2.3, the Residential Preservation FLUM category. In 2009, Policy 2.2.3 was amended to further protect RP neighborhoods per recommendations consistent with the state-mandated 2007 Tallahassee-Leon County Evaluation and Appraisal Report (EAR). The recommended

and subsequently adopted policy included several principles to guide development and redevelopment activities within areas currently designated RP and areas adjoining designated RP neighborhoods. 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. The TDA allows a maximum density of six (6) dwelling units per acre and development is to be designed, sized and scaled to be compatible with the adjoining RP areas. The policy change stated that the TDA would be non-mapped areas approved at the time of site plan approval and that the land development regulations would specify development thresholds for implementation of these areas.

The LPA asked staff to address how the proposed amendment could be considered consistent with Policy 2.2.3 in regards to the required TDA. Specifically, staff was asked to address consistency with the following requirement of Policy 2.2.3:

“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.”

Staff addressed consistency of the proposed amendment with Land Use Policy 2.2.3 by discussing the context of the request in regards to the establishment of the Multi-Modal Transportation District (MMTD) in 2009. In working through how to implement the direction provided in Policy 2.2.3 for the MMTD and Downtown Overlay areas, where redevelopment and mixing of uses is encouraged but urban space is at a premium, Planning staff worked with the Council of Neighborhood Associations (CONA) representatives to provide solutions for compatible development options within these areas. The language in the first sentence of the TDA section of Policy 2.2.3 (above) which provides that the development should be “*guided by...*” the following TDA requirements provides flexibility for establishing compatibility standards in the Tallahassee Land Development within the context of the MMTD and Downtown Overlay areas. The compatibility standards were codified in 2011 through the adoption of the

MMTD Code. During the City Commission consideration of the MMTD Code, the strategies for balancing the provisions of Policy 2.2.3 and the policy direction within the MMTD to remove barriers to urban infill while protecting our RP areas from encroachment was addressed in a discussion on Page 5 of the agenda item (Attachment #7) :

“Recent Comprehensive Plan amendments called for greater protections around the Residential Preservation (RP) FLUM areas of the community. Policy 2.2.3 lays out the creation of a “transitional development area.” Planning staff has met with Council on Neighborhood Associations (CONA) representatives to discuss the implementation proposal, and there is recognition that different standards must recognize different contexts. The proposed Code amendments address this policy direction under the heading *Compatibility*, and include vegetative buffers, height limitations, structural setbacks to limit visual intrusion, and screening of dumpsters and mechanical equipment. The Code changes seek to balance the policy direction to remove barriers to urban infill while protecting our RP areas from encroachment.”

H. Affordable Housing Ordinance: Additional issues discussed at the workshop included affordable housing and density bonuses. Land Use Policy 2.1.4 provide for a 25% density bonus for developments providing units that qualify as affordable. The City of Tallahassee also has an Inclusionary Housing Ordinance (IHO) that covers certain areas of the City. The proposed amendment is within one of those areas but falls below the threshold (50 units or greater) for required mitigation. The applicant’s preliminary development program calls for thirty-three (33) units; therefore, no action is required. While many redevelopments may fall below the 50 unit threshold, the threshold recognizes small scale urban infill often inherently has tighter profit margins due to the time and cost of assembling smaller parcels from various owners. If the development program were to grow to 50 or more units, the developer would be required to address affordable housing provisions per the City of Tallahassee’s IHO.

G. LOCAL PLANNING AGENCY PUBLIC HEARING DISCUSSION AND VOTE:

The Tallahassee-Leon County Local Planning Agency (LPA) public hearing for this amendment was held on March 3, 2015. The LPA voted 4-3 to reject the staff recommendation to approve the TALCOR Midtown amendment contingent on the expansion to the larger subject area. The maker of the motion acknowledged the merits of the proposed redevelopment plan but felt that the proposed future land use change was premature for the following two reasons, which were included in the motion:

1. Prior to approving the requested future land use change, there should be an adopted Midtown Sector Plan to analyze the need, compatibility, and locations of higher density residential development within the Midtown area.
2. The Comprehensive Plan does not provide any policies or direction addressing gentrification and the preservation of existing affordable housing.

While staff fully acknowledges the importance of affordable housing, maintaining the existing 6 units per acre would not guarantee the existing housing in this neighborhood is preserved, and could in fact make providing a range of housing choices and prices more difficult. Currently the neighborhood has an average density of about 8-9 units per acre, but was never established as a legal subdivision. This means the lot sizes are irregular. The applicant has stated the FLUM amendment is necessary to readjust lot lines and allow a mixture of housing size and types, such as single family, duplexes, townhouses or zero lot line homes. With the current FLUM, lot adjustments would be required to fit within the 6 units per acre cap, leading to larger, probably more expensive homes. While there is currently no regulatory mechanism governing the sales price of new homes should redevelopment occur, the requested amendment would give the private market the ability to provide a wider range of housing sizes and types, with a corresponding range in price options.

H. CONCLUSION:

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

1. The proposed land use change would create an appropriate transitional area between the lower density residential neighborhoods to the south of the subject area and the more intense, commercial uses along Thomasville Road.
2. The subject area is located within the Multimodal Transportation District (MMTD). Approval of the amendment, including the expansion of the land use change to the subject area, would further the goals of the MMTD by promoting infill development and redevelopment within the urban core and allowing for the higher residential densities required to support enhanced transit service.
3. Given that the parcels comprising the subject site are not all contiguous and are interspersed throughout the subject area, the proposed future land use and zoning changes should be expanded to ensure consistency between the future and existing development patterns in this area. . The recommended expansion area includes all parcels along Gwen Street and Harper Street, and selected parcels along Payne Street and Pine Street in the vicinity of the subject site (see Attachment #2).

4. The subject site and proposed expansion area are currently comprised of a variety of housing types, including single-family attached and detached units and small, multi-family complexes, thus presenting a development pattern consistent with the intent of areas designated as ~~Urban Residential-2~~ Urban Residential.
5. The proposed land use change for the subject site and expansion area are consistent with Land Use Objective 2.1 and corresponding Policy 2.1.8 which seek to maintain a viable mix of available residential densities to accommodate a variety of housing types and choices.
6. The proposed land use change for the subject site and expansion area would support and further the Comprehensive Plan Vision statement which calls for infill development and redevelopment in the urban core.

Attachments:

1. TALCOR Midtown Map Amendment: Parcel Identification Numbers
2. Proposed Amendment Expansion Map
3. Property Owner Request to Expand Future Land Use Change
4. Map of Applicant's Properties
5. Map of the Notice Area: Properties within 1000ft of the Expanded Subject Area
6. Updated Notice to Property Owners for PCM150101: TALCOR Midtown
7. City Commission Agenda Item – February 23, 2011: Adoption of the MMTD Code

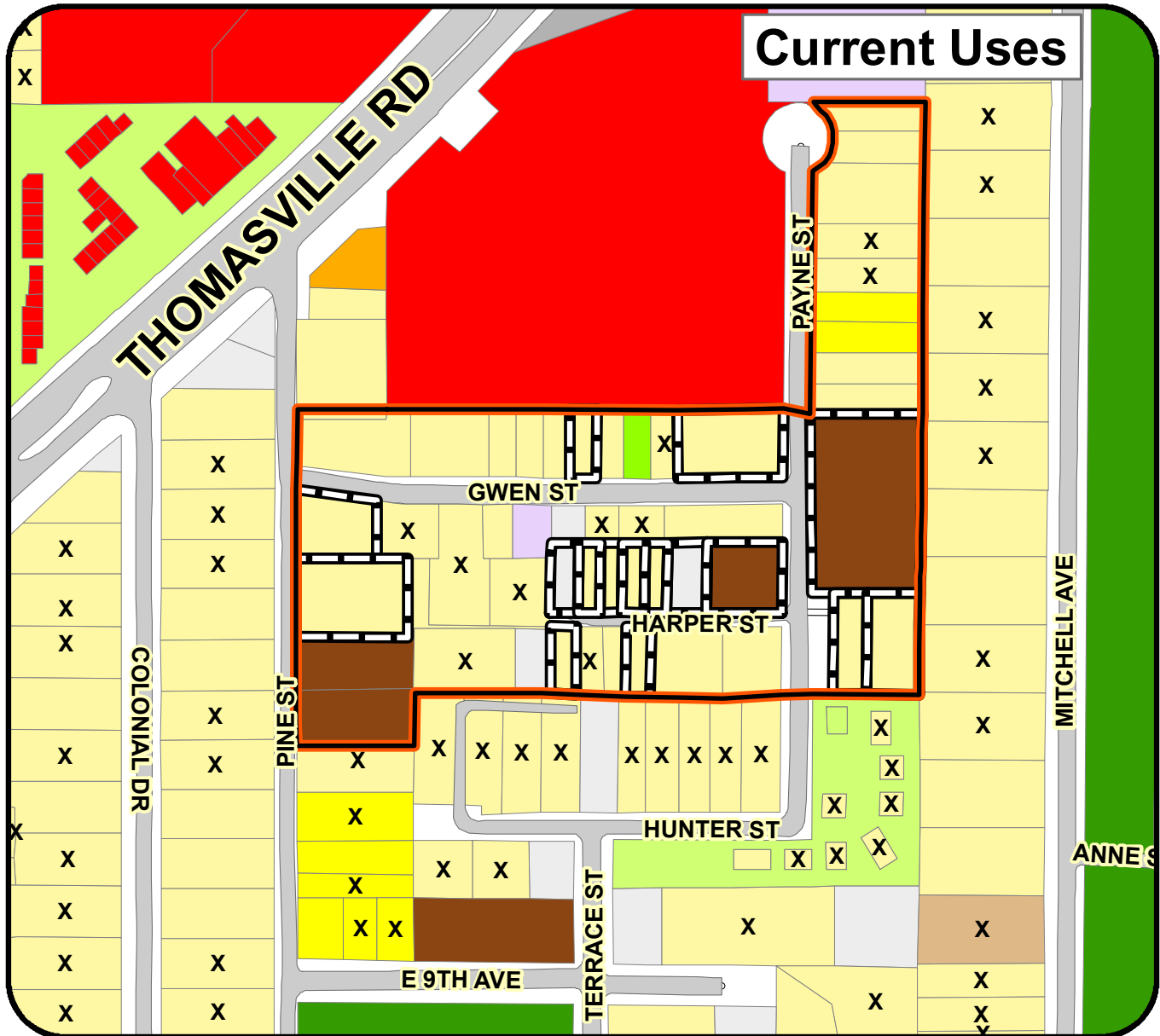
Attachment 1

**Property Tax ID Numbers for Map Amendment PCM150101
Talcor Urban Housing LLC**

**11-30-20-205-0000
11-30-20-207-0000
11-30-20-226-0000
11-30-20-227-0000
11-30-20-229-0000
11-30-20-228-0000
11-30-20-230-0000
11-30-20-231-0000
11-30-20-232-0000
11-30-20-233-0000
11-30-20-239-0000
11-30-20-243-0000
11-30-20-246-0000
11-30-20-250-0000
11-30-20-251-0000
11-30-20-287-0000**

Expansion Map

Attachment 2



Legend

- Expansion Area
- X Homestead Exemption Parcels

Current Uses (Oct. 2013)

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

- SITE TAX ID:**
- 11-30-20-205-0000
 - 11-30-20-207-0000
 - 11-30-20-226-0000
 - 11-30-20-227-0000
 - 11-30-20-228-0000
 - 11-30-20-229-0000
 - 11-30-20-230-0000
 - 11-30-20-231-0000
 - 11-30-20-232-0000
 - 11-30-20-233-0000
 - 11-30-20-239-0000
 - 11-30-20-243-0000
 - 11-30-20-246-0000
 - 11-30-20-250-0000
 - 11-30-20-251-0000
 - 11-30-20-287-0000

**TALCOR
Midtown
PCM150101**

TALCOR

ACRES: 10.93₊



Attachment 3

Thomas, Debra

From: Bill Brandt <billrents@gmail.com>
Sent: Monday, December 01, 2014 10:24 PM
To: Thomas, Debra
Subject: Talcor and Brandt

Debra L. Thomas
Community Involvement Planner
Comprehensive Planning & Urban Design
December 1, 2014

Dear Debra:

Per our conversation this morning related to the Talcor Midtown Housing future land use map amendment and rezoning action (PCM150101), please consider the following. I am the owner of the two lots adjacent to, and immediately south of, the southernmost Talcor lot at 1541 Pine Street. My lots are 1533 and 1535 Pine Street with property ID numbers 1130202680000 and 13020257000 respectively. These are held in the name of Brandt 1533 LLC and Brandt 1535 LLC. I am the single member owner of both of these Florida Limited Liability Corporations.

Each of these lots is currently developed with one four-unit, single-story, apartment building. Each lot is one-third (1/3) acre, therefore the currently developed density for these two lots is twelve (12) units per acre. When the apartments were built the zoning was appropriate for at least twelve (12) units per acre. However, at some time after construction, the zoning on these lots was changed to the current category of Residential Preservation-2 (RP-2) likely through a "blanket" rezoning done by the City. Residential Preservation-2 zoning provides for a maximum density of only six (6) units per acre. The blanket rezoning action left my properties in a non-conforming status. The likely result is that if my properties were significantly damaged, I would not be able to rebuild. There are likely other consequences of non-conformity related to resale and refinancing. I would like to correct this non-conformity at this time as follows.

Because of the prior action taken by the City to down-zone my property into a non-conforming status and the potential up-zoning of the adjacent and surrounding properties through the current Talcor Midtown action, I would like to ask that my properties be included in the Talcor Midtown Housing map amendment and rezoning action (PCM150101). Through that action my land use map designation would be changed from the current Residential Preservation (RP) to Talcor's requested Urban Residential-2 (UR-2). My zoning would be changed from the current, non-conforming RP-2 classification into the Talcor requested Medium Density Residential (MR-1). With MR-1 zoning, the current development of my properties will conform to land use and zoning designations. Furthermore, this will be consistent and compatible with the new Talcor development.

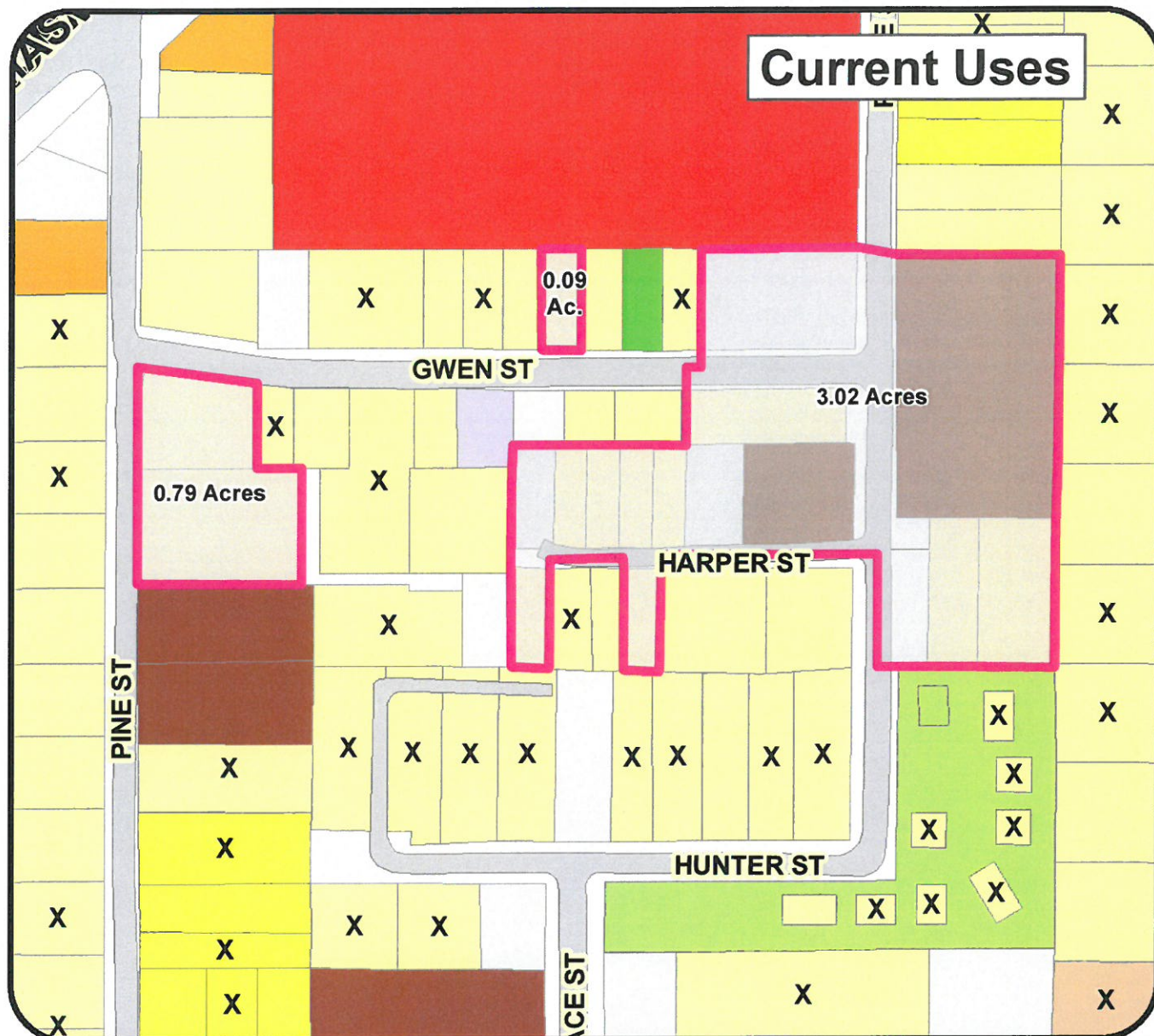
Please advise me of appropriate path to implement this action. Based on the prior blanket rezoning and the current Talcor action in process, I would ask to "piggy-back" onto the current Talcor land use and zoning change application, without additional charge to me.

Sincerely,

Attachment 3

William M. Brandt
422-2399
billrents@gmail.com

Attachment 4



Legend



Subject Parcels

X Homestead Exemption Parcels

Current Uses (Oct. 2014)

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

- SITE TAX ID:**
- 11-30-20-205-0000
 - 11-30-20-207-0000
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 - 11-30-20-227-0000
 - 11-30-20-228-0000
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 - 11-30-20-243-0000
 - 11-30-20-246-0000
 - 11-30-20-250-0000
 - 11-30-20-251-0000
 - 11-30-20-287-0000

**TALCOR
Midtown
PCM150101**

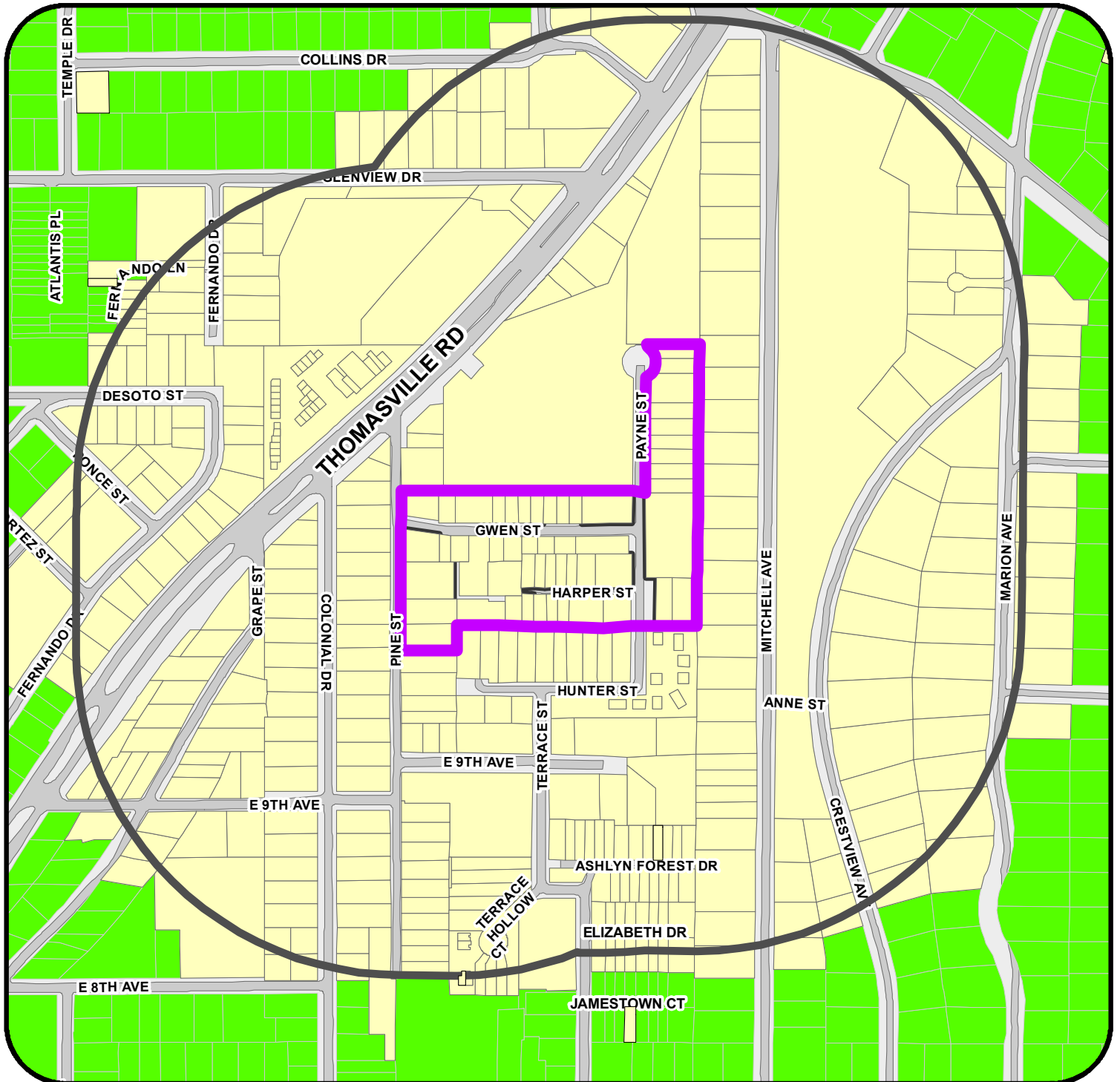
TALCOR






Attachment 5

TALCOR Midtown

PCM150101



Legend

-  Expansion Area Boundary
-  Noticed Parcels
-  1000 Foot Buffer



Visit the Planning Department website at: www.talgov.com/planning

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP AND REZONING**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map and a rezoning for the property shown on the map on the reverse side of this notice. The Planning Department has recommended that the original request area be expanded to include all the parcels along Gwen Street, Harper Street, and selected parcels along Payne Street and Pine Street as shown in the hatch area outlined with the heavy black line on the map on the reverse side of the notice. You are being notified of this requested change because public records indicate that you own property within 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 meetings and Public Hearings on this request. The February 19th Open House event is an opportunity 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.

| Date | Meeting | Purpose | Time | Location |
|---------------------------|-----------------------------|--|---------|---|
| February 19 (Thursday) | Planning Department Staff | Public Open House | 5:30 PM | Renaissance Center 2nd Floor 435 North Macomb Street |
| February 24 (Tuesday) | Local Planning Agency | Local Planning Agency Workshop | 9:00 AM | Renaissance Center 2nd Floor 435 North Macomb Street |
| March 3 (Tuesday) | Local Planning Agency | Local Planning Agency Public Hearing | 6:00PM | Renaissance Center 2nd Floor 435 North Macomb Street |
| April 14 (Tuesday) | County and City Commissions | Joint City-County Transmittal Public Hearing | 6:00 PM | County Commission Chambers 5 th Floor, Leon County Courthouse |
| May 26 (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 2015-1" 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 # PCM150101

I/We as owner(s) of property at this address: _____ wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

SIGNED: _____



LOCATION MAP

Requested Map Amendment: TALCOR Midtown
Reference Number: PCM150101
Applicant: TALCOR Urban Housing LLC

As noticed in October 2014, the original application requested a change in the Future Land Use Map designation from “Residential Preservation” [RP] to “Urban Residential-2” [UR-2] for multiple residential parcels located behind the Miracle Plaza shopping center on Thomasville Road. The parcels are located along Gwen Street, Harper Street, Pine Street and portions of Payne Street and are shaded on the above map. The subject parcels’ existing RP designation allows for up to six (6) dwelling units per acre. The proposed UR-2 would allow for up to twenty (20) dwelling units per acre.

Since submittal of the original application, the applicant has amended their request to Urban Residential [UR], which allows for up to ten (10) dwelling units per acre. The Planning Department is recommending approval of the amended application and expansion of the subject area to include all the parcels along Gwen Street, Harper Street, and selected parcels along Payne Street and Pine Street as shown in the hatch area outlined with the heavy black line on the map.

A rezoning application has been filed concurrent with this amendment. A zoning change from Residential Preservation-2 [RP-2] to R-4 Urban Residential is being requested to implement the proposed amendment to the Future Land Use Map. Please direct questions regarding this amendment to Debra Thomas at 891-6400.

To view additional information on this amendment, go to <http://www.tal.gov.com/planning/> and click on the “Comprehensive Plan Amendment Cycle 2015-1” icon located on the left blue menu bar.

| | |
|---|--|
| CITY OF TALLAHASSEE | |
| <u>CITY COMMISSION AGENDA ITEM</u> | |
| ACTION REQUESTED ON: | February 23, 2011 |
| SUBJECT/TITLE: | Second and Final Public Hearing on Ordinance 10-O-14AA; Proposed Amendment to the Tallahassee Land Development Code to Adopt the Downtown Overlay Regulating Plan Map Series and the Implementing Development Regulations, Including the Creation of the Central Core Zoning District, for Areas Within the Multi-Modal Transportation District. |
| TARGET ISSUE: | Long Range Community Based Planning |

STATEMENT OF ISSUE

In November 2010, representatives from the Chamber of Commerce approached the Planning Department with concerns over the proposed Code. Staff has met with the Chamber's representative group, and as a result of those meetings, has made several revisions to the Code.

With the 2009 Multi-Modal Transportation District (MMTD) adoption, the Comprehensive Plan committed the City to adopt pedestrian-oriented development standards for the 18.2 square mile area. At the December 2007 Long Range Community Based Planning Target Issue Committee meeting, staff was directed to develop a code that would be mandatory within the MMTD (Attachment 1).

Additionally, recent Comprehensive Plan Amendments adopted the Downtown Overlay boundary (map included in Attachment 2). The amendments consolidated several overlapping overlays into a single overlay. Again, policy language directs staff to develop pedestrian-oriented design standards.

Staff has developed a draft Code that uses a transect-based approach to develop tiered regulations; i.e., the regulations are different based on the level of urbanity.

RECOMMENDED ACTION

Option 1: Hold the Second and Final Public Hearing and Approve Ordinance 10-O-14AA; Proposed amendment to the Tallahassee Land Development Code to adopt the Downtown Overlay Regulating Plan map series and the implementing development regulations, including the creation of the Central Core zoning district, for areas within the Multi-Modal Transportation District.

FISCAL IMPACT

At this time, no direct fiscal impact is expected.

Wayne Tedder, Director
Planning Department

Anita Favors Thompson
City Manager

For information, please contact: Zach Galloway, Cherie Horne, or Dan Donovan, 891-6400.

ITEM TITLE: Second and Final Public Hearing on Ordinance 10-O-14AA; Proposed Amendment to the Tallahassee Land Development Code to Adopt the Downtown Overlay Regulating Plan Map Series and the Implementing Development Regulations, Including the Creation of the Central Core Zoning District, for Areas Within the Multi-Modal Transportation District.

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SUPPLEMENTAL MATERIAL/ISSUE ANALYSIS

HISTORY/FACTS & ISSUES

History and Purpose of Project

With the adoption of the Multi-Modal Transportation District (MMTD) in the Comprehensive Plan, the City committed to adopt land development regulations that will lead to pedestrian-oriented and transit-supportive design. Transportation Element policies require new implementing regulations to be effective within one year. The MMTD was formally adopted in 2009.

Furthermore, staff and developers have long recognized that the existing Land Development Regulations are outdated. In most cases, urban forest, stormwater, parking, and other regulations are the same across the entire city, despite the varying contexts and extensive range of neighborhoods. Originally borne out of the Comprehensive Plan Reform recommendations, the purpose of the MMTD Code is to develop new regulations that recognize the different impacts, functions, and limitations of urban, suburban, and exurban development patterns.

December 2007: The City Commission directed staff to develop land development regulations for the MMTD that would create a pedestrian-oriented and transit-supportive physical environment.

January 2008: Planning Department staff held a kick-off meeting for City department representatives involved in development review. The goal was to introduce the operational departments to urban design concepts and inform them of the public input received during past community-based planning efforts. Throughout 2008, Planning staff collaborated with interdepartmental working groups to create new, more urban standards.

January 2009: Planning Department staff created a focus group of development, design, engineering, and real estate professionals with the task of reviewing the proposed Code drafts (see Attachment 3 for a list of participants). The focus group input was invaluable in representing all involved perspectives. The focus group met regularly throughout 2009, and there were a few final review meetings in 2010.

October 28, 2009: Planning Department staff provided a status report and made a presentation to the City's Long Range Community-based Planning Target Issue Committee. The feedback was positive and constructive, and the Committee asked that staff bring the final product forward to the full City Commission.

February 15, 2010: The Planning Department hosted the first of two public workshops.

February 22, 2010: The Planning Department hosted the second of two public workshops.

ITEM TITLE: Second and Final Public Hearing on Ordinance 10-O-14AA; Proposed Amendment to the Tallahassee Land Development Code to Adopt the Downtown Overlay Regulating Plan Map Series and the Implementing Development Regulations, Including the Creation of the Central Core Zoning District, for Areas Within the Multi-Modal Transportation District.

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February 25, 2010: Planning Department staff made a presentation to the Planning Commission during the Planning Commission Retreat. This meeting was advertised and open to the public. Several members of the public attended.

July 13, 2010: The Planning Department held a second public workshop with the Planning Commission to present the ordinance and entertain questions, comments, and recommendations. This meeting was advertised and open to the public. One member of the public attended.

August 3, 2010: The Planning Commission held a public hearing on Ordinance 10-O-14, and voted unanimously (5-0) to find the proposal consistent with the Comprehensive Plan and recommend the City Commission adopt the ordinance. One citizen spoke in support of the proposal.

September 15, 2010: The City Commission introduced Ordinance 10-O-14.

October 27, 2010: The City Commission held the first of two public hearings on the Ordinance. Planning staff provided a brief presentation. There were no public speakers.

November 15, 2010: At their request, planning staff met with members of the Chamber of Commerce's Growth Management Committee to discuss the proposed Code in general terms. Staff made a brief presentation on the MMTD Comprehensive Plan policy direction and proposed Code. The meeting focused on general complaints, concerns, and questions; and, it concluded with a commitment to reconvene to cover specific, detailed concerns.

November 23, 2010: The City Commission continued the second and final public hearing on this item to January 26, 2011.

January 5, 2010: Planning staff met with members of the Chamber of Commerce's Growth Management Committee to cover specific concerns that had been discussed more generally in November 2010.

January 26, 2011: Planning staff requested a continuance to address the concerns raised by the Chamber of Commerce's representative group.

Chamber of Commerce Concerns

The Growth Management Committee of the Tallahassee Chamber of Commerce approached the Planning Department in the Fall of 2010, after the first public hearing, to discuss concerns with the proposed Code requirements. Planning staff has met with the Committee several times since to better understand the concerns, educate the participants on the stated policy direction of the MMTD, and attempt to reach compromise where possible. The Chamber group had six primary issues:

ITEM TITLE: Second and Final Public Hearing on Ordinance 10-O-14AA; Proposed Amendment to the Tallahassee Land Development Code to Adopt the Downtown Overlay Regulating Plan Map Series and the Implementing Development Regulations, Including the Creation of the Central Core Zoning District, for Areas Within the Multi-Modal Transportation District.

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1. *MMTD Ordinance Implementation Area* is too large and urban development may be difficult or inappropriate in some places.
2. *Off-street Parking Requirements* could hinder redevelopment or present security risks by requiring all parking be located behind structures.
3. *Environmental Management Interface* needs to be clearly related to the existing Chapter 5 requirements to avoid confusion during implementation.
4. *Subjective Elements of the Ordinance* that could be misinterpreted should be revised.
5. *Avoid the need for a Glitch Ordinance* by slowing adoption and convening another working/focus group to re-draft the Code.
6. *Organization of the MMTD* is cumbersome and difficult to follow.

Planning staff reviewed these issues, which were submitted in a formal letter, and prepared a thorough response (Attachment 4) that noted (1) where Chamber recommendations have been incorporated into the proposed Code or (2) why the recommendation was not supported by staff.

The Chamber and Planning staff reached a compromise on several points, specifically, revisions to the parking location requirements and removal of subjective language. The proposed Code has been revised to allow all parking spaces to be located to the side of a new structure, and subjective language – “should,” “encourage,” etc. – has been removed. The general concerns over misinterpretation were a non-issue, as Planning staff coordinated with the affected City departments throughout development of the proposed MMTD Code. However, there was a need to clarify the references to Chapter 5, Environmental Management. Those changes have been made, thus clarifying that certain redevelopment exemptions for stormwater requirements will remain in effect.

The two parties were unable to reach a compromise on other points, as the Chamber recommendations either ran counter to explicit Comprehensive Plan policy direction, would significantly delay adoption of the ordinance, or would duplicate the public outreach process that was already conducted. The outstanding issues on which the Chamber and Planning staff could not reach compromise are summarized below:

1. *Size of the MMTD.* The Chamber feels the MMTD is too large and the urban design requirements are inappropriate for some areas, such as the highway corridors along Apalachee Parkway or South Monroe Street.
2. *Phased Implementation.* The Chamber proposed a phased approach to implementation, beginning with the Downtown Overlay and working out to the edges of the MMTD over the next few years. This largely ignores the existing urban standards found in downtown and throughout the MMTD.
3. *Parking location.* Despite the compromise reached and revisions made, some Chamber members feel that parking located in front of a building is essential to success, especially along the major highway corridors. When looking ahead for the next 30 years, Planning staff feels it is best to begin the transformation of these suburban areas that are in close proximity to the urban core.

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4. Reorganization of the MMTD Code. The Chamber felt the Code structure was difficult to understand and should be reformatted. However, a reformatting was already undertaken when, in the course of drafting the proposed Code, the Focus Group – described later on page 9 – felt mimicking the SmartCode structure used throughout the nation was simplest. Further, the end result is much more concise, as it trims more than 50 pages out of the current Land Development Code that were redundant or presented poorly, in an unclear format. For example, more than 30 zoning districts, each with its own set of development standards, are now boiled down to 4 sets of development standards presented on approximately 35 pages.

Comprehensive Plan Consistency

Throughout the Code writing process, the Planning Department reviewed the Comprehensive Plan to ensure that Multi-Modal Transportation District directives did not conflict with other policies of the Plan. Staff finds the proposed Ordinance 10-O-14AA consistent with the Tallahassee-Leon County Comprehensive Plan. The following is a brief analysis of the general policy direction – outside of the explicit MMTD direction – that the proposed Code will implement. The referenced policies are included in Attachment 5.

Land Use Element: The Land Use Element sets a goal of accommodating 90 percent of all residential development within the Urban Services Area and of averaging an overall density within the USA of greater than 2 dwelling units per acre. On both counts, the proposed Code should increase opportunities for urban infill by removing obstructions and instituting environmental standards that recognize the urban character within the MMTD, thereby accommodating a greater percentage of the population within the developed, urban core.

Recent Comprehensive Plan Amendments called for greater protections around the Residential Preservation (RP) Future Land Use Map (FLUM) areas of the community. Policy 2.2.3 lays out the creation of a “transitional development area.” Planning staff has met with CONA representatives to discuss the implementation proposals, and there is recognition that different standards must recognize different contexts. The proposed Code amendments address this policy direction under the heading of *Compatibility*, and include vegetative buffers, height limitations, structural setbacks to limit visual intrusion, and screening of dumpsters and mechanical equipment. The Code changes seek to balance the policy direction to remove barriers to urban infill while protecting our RP areas from encroachment.

Transportation Element: The explicit direction for the majority of the proposed Code amendments is found under Objective 2.1. However, there are additional policies implemented or furthered by the amendments.

Policy 1.1.5 directs the provision of streetscape improvements, such as street trees, and recognizes the benefits trees offer by increasing beauty, buffering between buildings and the roadway, reducing the heat island effect, and providing stormwater runoff control. The proposed Code amendments attempt to balance the reduced amount of on-site green space, a discussion of

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which follows, with the requirement to provide street trees along the sidewalk, which provides pedestrian comfort along with the benefits recognized in Policy 1.1.5.

Under the heading Reduction of Vehicle Trip Demand, Objective 1.6 calls for reduced impacts on arterial and collector roads through provision of goods and services in close proximity to housing and interconnected development. The proposed Code amendments advance the intent of numerous policies within this section. Policy 1.6.1 encourages mixed-use development and the provision of neighborhood parks, both of which could preclude driving long distances for services and recreation. Regarding connectivity, Policies 1.6.3 through 1.6.5 require interconnections between developments of all types. Policy 1.6.9 and 1.6.10 call for development to contribute to the creation of a unified circulation system of local streets and to continue all sub-arterial streets that are stubbed to the property line. The proposed Code requires the extension of sub-arterial streets, limits block sizes in proposed developments, and encourages the aggregation of required green space to create squares, plazas, and pocket parks.

Conservation Element: The Conservation Element designates certain environmental features – preservation and conservation – and provides for explicit protections. Recent Comprehensive Plan amendments have provided an exemption from significant and severe grades within the Downtown Overlay. An analysis was conducted on the significant and severe grade (slopes) requirements of the Comprehensive Plan. The analysis revealed that much of the existing development in our downtown would not be permitted under current rules. Thus, the Comprehensive Plan amendments were adopted (Policy 1.3.3 [C], Attachment 5) and the proposed Code amendments will implement the exemption.

Several policies recognize the relations among parking requirements, street design, and stormwater runoff. Policies 2.1.4, 2.1.5, and 2.1.6 call for maximum limits on required parking spaces and the use of impervious surface materials for parking areas. The proposed Code addresses both items by setting a maximum parking ratio, and furthers the policy intent by allowing the provision of less parking by right. The environmental section of the proposed Code encourages the use of pervious paving materials, with the intent of raising awareness of the issue and benefits. In fact, the Growth Management Department is developing performance standards for a variety of “low impact development” treatments in anticipation of permitting future development proposals.

Policies under Objective 3.3 address land clearing by incentivizing tree preservation, requiring a certain percentage of green space be preserved on development sites, providing landscaping, and retaining existing high quality vegetation. No specific percentages are stated in the policies, and to date the required on-site green space and landscaping standards have been applied equally across the entire city, largely ignoring the different context and range of allowable densities and intensities. The proposed Code maintains minimum percentages while recognizing the different contexts, thus permitting less on-site green space and landscaping in more urban areas.

Housing Element: In accordance with Objective 2.1 of the Housing Element, developments within the MMTD shall adhere to the provisions of the Inclusionary Housing Ordinance (IHO)

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and will be eligible for density bonuses. However, the IHO applies only to home ownership, and the Comprehensive Plan and City staff recognize affordable rental units are also needed. The City Commission in recent years has focused on the affordable housing needs in our community, and specifically, the fact that rental units should be given higher priority. With this direction, additional support from the Affordable Housing Advisory Committee, and various Housing Element policies promoting an increase in the provision of rental housing, the MMTD Code amendments propose an expansion of areas where Accessory Dwelling Units (ADUs) can be constructed. Current regulations require accessory dwellings be attached to the principal structure. The Code amendments propose that *detached* units be allowed throughout the MMTD, that density bonuses be provided to encourage their provision in larger, master planned developments, and that certain design measures are taken to ensure compatibility within the surrounding context. Lastly, the policy direction seeks to spread affordable housing throughout the community in order to avoid “geographic over-concentration.” Provision of ADUs should further this policy by incrementally providing a dispersed supply of rental units.

Historic Preservation Element: In accordance with Objective 2.1 of the Historic Preservation Element, the Planning Department has reviewed the proposed Code amendments for potential impacts to historic properties and districts. The proposed Code amendments retain existing protections for the downtown Special Character District, as well as referencing the role of the Architectural Review Board and alerting citizens to the review procedures required for properties within a Historic Preservation Overlay. Increasing permitted densities and intensities are considered redevelopment incentives, and would not be appropriate for structures or districts deemed historically significant. No proposed standards will increase permitted densities or intensities for specific historic sites.

A New Concept for Tallahassee – Form Based Code Hybrid

- Based on the SmartCode: The proposed Code revisions build upon the New Urbanist model land development code, the SmartCode. Developed more than a decade ago and used by communities across the nation, the SmartCode takes a holistic approach to land development by basing appropriate development regulations on the transect concept. The transect recognizes that downtown Tallahassee has a different character than the rural communities near Lake Talquin. Therefore, different development standards should be applied to the varied communities. The SmartCode introduces a Transect-based typology from Transect 1 (least intense, largely rural) to Transect 6 (most intense, urban).

Utilizing the SmartCode model, the proposed code changes significantly simplify the current development process by condensing development regulations for approximately 30 zoning districts into four Transect-based development regulations (page 130, Attachment 1). The SmartCode model also places emphasis on graphics and tabular presentation, thus the code is more easily interpreted by users and provides assurances for citizens so they know what could be built at a given location.

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- The MMTD Code as a Hybrid Concept: The proposed MMTD Code is a hybrid of the SmartCode and the City's current land development regulations. The Downtown Overlay area functions as Transect 6 while the lower density zoning districts such as Residential Preservation 2 (RP-2) or Neighborhood Commercial (C-1) fall into Transect 3. The Transect-based code utilizes the best parts of the SmartCode, introducing graphics, maps, and information depicted in simple tables, while also preserving the basic tenets of the community's current Code; densities, intensities, and allowable uses. For example, as noted above, the RP-2 zoning district will fall within Transect 3, which has an explicit set of development standards. Despite the new design and development standards, the allowable uses remain limited to single-family detached houses and 2-unit townhomes.

Proposed Code Changes & Expectations of Their Impact on Development

As stated above, the MMTD Code is intended as a stand alone code covering the entire 18.2 square mile Multi-modal Transportation District. The new Downtown Overlay is included as the innermost part of the transect-based Code, representing the most urban development patterns.

The proposed MMTD Code revisions recognize different contextual surroundings and attempt to alleviate current obstacles to infill and urban redevelopment. In comparison to the existing Land Development Regulations, the Downtown Overlay Regulating Plan and MMTD Code will have the following effects: (A summary of all the proposed changes is included as Attachment 6).

- Green space/Urban Forest: Current standards require that 40% of every development site be set aside for green space and urban forest. The revisions propose a tiered approach based on the Transect in which a site falls. Thus, projects in the downtown are only required 10% green space and are required to provide street trees along the adjacent street frontage. Projects along Apalachee Parkway that fall into Transect 3 are required to provide the current 40% green space, but they have the opportunity to pay down that amount to 20% of the overall site. In all cases, street trees, parking lot landscaping, and appropriate buffering are still required and will make up much of the required green space percentages similar to current standards.
- Parking: Within the immediate downtown – Central Core FLUM and zoning district – the current parking exemption is retained. This has been in effect for more than a decade. The standards of the current Parking Schedule B will apply to the larger area encompassed by the Downtown Overlay boundary. Schedule B generally reduces other parking ratios by 50 percent. Lastly, the remainder of the MMTD area – Transects 3 through 5 – will have the same parking ratios as today. The maximum amount will remain, but developers will have the option to provide parking within a permitted range. For example, in the denser Transect 5, a development has the flexibility to reduce parking to between 65 and 100 percent of the required parking ration. This essentially places the decision of parking quantity in the hands of the business owner, while assuring a minimum amount is provided to avoid overflow or haphazard parking arrangements. Additionally, the ways in which parking is calculated will change. Today, on-street parking is not considered adequate, ignoring the extensive swaths

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of under utilized asphalt across the City. The proposed changes allow on-street parking within 1,000 feet to count towards the requirement, thereby recognizing the service provided, reducing impervious coverage, and freeing land for structural development.

- Roadway Design: After several meetings with City Traffic Engineering and Fire Department staff, new standards are proposed that offer improved interconnectivity, reduced speeding through narrower lane widths, and reduced parking constraints through the provision of on-street parking. In addition to the lane widths and parking dimensions, standards are proposed that make the infrastructure suitable for all users. The following provisions address bicycle and pedestrian infrastructure: sidewalks on both sides of the street, street trees for shade, bike lanes on all roads designated minor collector or greater, sharrows applied where insufficient right-of-way precludes bicycle lanes, and explicit directions for intersection improvements for crosswalks and ramping.
- Setbacks: In general, all setbacks have been reduced and requirements added to create a welcoming streetscape where buildings and windows face the street, an aid to public safety. Again, the setbacks are based on the geographic context of the Transect, so that developments in Transect 5 will open onto wide sidewalks, whereas single family homes in Transect 3 can be set back further from the street. The parking placement will also affect setbacks. Garage doors for single family homes, duplexes, or townhomes will be set back from the building facade and in the case of commercial properties or apartments, parking shall be placed behind or on the side of structures.
- Lighting: Lighting plays a major role in citizens' concerns regarding proposed development, and the current code has sparse language to address the issue. The proposed revisions employ what is commonly referred to as "dark sky" standards, meaning that the height of street lights are limited, all light fixtures are capped to direct light downward, and spotlights, such as those used by gas stations, are prohibited. These measures limit light trespass onto neighboring properties and direct light to the street or sidewalks where it is useful.
- Heights: The current code has a variety of height limits, from 35 feet to 150 feet, and inconsistently applies the regulation in either stories or feet. In an attempt to standardize the application, the proposed regulations convert all height standards to the number of stories. A clear, concise definition of a building story is also contained within the code. This is necessary to preclude abuses that could arise with this introduced level of design flexibility. This process will involve converting the current regulations – 35-feet becomes 3 stories, and reducing the numerous variations – 60-feet, 65-feet, and 75-feet will be consolidated to 6 stories.
- Creation of new Central Core (CC) zoning district. Recent Comprehensive Plan Amendments sought to prepare downtown Tallahassee for future redevelopment opportunities. Downtown was primarily designated as Downtown FLUM or Government Operational FLUM. The latter category severely limited the types of uses in downtown. Any

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proposal other than government office buildings were inconsistent with the FLUM category, thereby hindering redevelopment and forcing individual property owners to apply for Comprehensive Plan Amendments individually. In order to assist in future redevelopment and remove deterrents, the two FLUM categories were consolidated as the Central Core FLUM category. To implement the Comprehensive Plan Amendments, the existing Downtown Institutional (DI), Retail and Office (RO), and Capital City Planning District (CCPD) zoning districts are being consolidated as a new Central Core (CC) zoning district. The uses that are permitted by these three zoning districts are retained in the Central Core zoning district, and land development regulations shall adhere to the Downtown Overlay Regulating Plan and the various requirements of the proposed Ordinance. [A full description of the Comprehensive Plan background and the new zoning district are addressed in the Planning Commission report for Ordinance 10-Z-12.]

Public Participation & Interdepartmental Coordination Efforts

To date, the Planning Department has held numerous meetings concerning this project. Several meetings specifically targeted the neighborhoods and organizations that would be affected by the Downtown Boundary, which is the innermost portion of the MMTD Code coverage area. Within the Multi-Modal Transportation District, Planning staff utilized several vehicles to contact interested parties regarding the proposed Code revisions, including newspaper advertisements, web postings at www.talgov.com, announcements at www.capitallegacyproject.com, and written invitations to professional organizations in the Tallahassee area. Additionally, using a professional Designer & Developer Focus Group (Attachment 3) to review the proposed Code revisions has been invaluable. The following list summarizes other various activities that have taken place in the drafting of the MMTD Code and Downtown Overlay Regulating Plan:

- Working Groups with other City department staff.
- Designer/Developer focus group – convened more than 10 meetings. (Attachment 3)
- Downtown neighborhood meeting to discuss the Downtown Overlay Regulating Plan and compatibility standards (transitional development area (TDA)).
- Presentations made to the Urban Design Commission (UDC), Downtown Improvement Authority (DIA), Tallahassee Trust for Historic Preservation, and Downtown Merchants & Business Association (DMBA).
- Email updates were sent to other organizations, such as the Tallahassee Builders Association, the Chamber of Commerce, etc., that might be interested in the Downtown Boundary, and an offer to speak on the topic was extended.
- Information on both the Downtown Overlay and MMTD Code were made available at the Capital Legacy Project website (www.capitallegacyproject.com) and interested citizens were invited to review all available materials.

Furthermore, during Fall 2009 and Spring 2010, the Planning Department extended outreach efforts through the following steps:

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- Presentations and open houses for the community (invitees: CONA, Midtown Merchants, Realtors, THBA, all neighborhood associations within the MMTD, etc.)
- Training for staff.
- Offer of training for users in the community.

In accordance with local and state requirements, the proposed Code amendments have been advertised in the Tallahassee Democrat (Attachment 7). Additionally, as the Code revisions have progressed, new drafts have been posted to the Capital Legacy Project website for public review.

Other Communities with Similar Codes

Nationwide, more than 100 communities have adopted similar SmartCode, or Transect-based land development regulations. The applicability is as varied as the locations. Fort Myers and Sarasota, Florida, have adopted mandatory SmartCodes for the downtown, whereas the university town of Lawrence, Kansas, has made it optional throughout the jurisdiction. Larger cities such as San Antonio, Texas, and small towns like John's Island, South Carolina, have employed distinct, hybrid versions of the form-based code.

An extensive list can be found here: www.smartcodecomplete.com/learn/links.html

CHARITABLE CONTRIBUTIONS

Not applicable.

OPTIONS

1. Hold the second and final public hearing and approve Ordinance 10-O-14AA; proposed amendment to the Tallahassee Land Development Code to adopt the Downtown Overlay Regulating Plan map series and the implementing development regulations, including the creation of the Central Core zoning district, for areas within the Multi-Modal Transportation District.
2. Hold the second and final public hearing and do not approve proposed amendment to the Tallahassee Land Development Code to adopt the Downtown Overlay Regulating Plan map series and the implementing development regulations, including the creation of the Central Core zoning district, for areas within the Multi-Modal Transportation District.
3. Provide staff direction.

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ATTACHMENTS/REFERENCES

1. Ordinance 10-O-14 MMTD Code and Downtown Overlay Regulating Plan map series – *Due to the bulk of this item, copies will be placed in the Commission Conference Room.*
2. MMTD and Downtown Overlay area map.
3. Design and Developer Focus Group.
4. Planning Department staff response to the Chamber of Commerce, Growth Management Committee.
5. Applicable Comprehensive Plan policies.
6. Current Regulations Comparison Table.
7. Tallahassee Democrat advertisement.

Attachment #4: PCT150103

DRI Thresholds for

the Urban CBD

Staff Report

TEXT AMENDMENT #: PCT150103

APPLICANT: Tallahassee-Leon County Planning Department

TEXT/ POLICY I.D. #: DRI Thresholds for the Urban Central Business District

CITY X **COUNTY**

DATE: January 28, 2015

PRELIMINARY STAFF RECOMMENDATION: Approve Amendment PCT150103

A. SUMMARY:

This is a request to amend the Land Use Element of the Tallahassee-Leon County Comprehensive Plan to remove a portion of the section describing Development of Regional Impact (DRI) Thresholds for the Urban Central Business District (Attachment #1). This request also seeks to add a title to this section and update Objective 9.1 to better reflect its contents. The section is being amended because there is no longer an Urban Central Business District. Removing references to this defunct district will help provide clarity within the Land Use Element.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment will remove language referencing DRI Thresholds for the defunct Urban Central Business District from the Land Use Element of the Comprehensive Plan.
2. The proposed amendment will add the title “Downtown Overlay” to accurately reflect the contents of the section.
3. The proposed amendment will not affect environmental or concurrency requirements related to future development.
4. The proposed amendment is consistent with the development standards of and patterns within the Downtown Overlay.

C. PROPOSED TEXT/POLICIES:

Please see proposed revisions to the Urban Central Business District (Attachment #1).

D. APPLICANT’S REASON FOR THE AMENDMENT:

The proposed revisions to the Urban Central Business District policy were initiated by the Tallahassee-Leon County Planning Department. The section is being amended because there is no longer an Urban Central Business District. The amendment will provide clarity by eliminating

references to the defunct Urban Central Business District and adding a Downtown Overlay title and updated Objective 9.1 to better reflect the remaining policies within the section.

E. STAFF ANALYSIS:

Previously, the Tallahassee- Leon County Comprehensive Plan provided four overlay districts within the central city. In February 2008, these overlay districts were combined and the Urban Central Business District was incorporated into the newly designated Downtown Overlay District. Providing one clear overlay district further simplified the goals of the Comprehensive Plan and clearly demarcated those areas appropriate for redevelopment within the downtown area. As a result of the amalgamation of central city overlay districts into the Downtown Overlay, the Urban Central Business District became defunct.

F. STAFF REPORT UPDATE:

Since the publication of the original staff report on January 8, 2015, an additional community workshop and a Local Planning Agency (LPA) Workshop have been held. No comments or additional questions were received for this amendment.

G. CONCLUSIONS:

1. The proposed amendment will remove language referencing DRI Thresholds for the defunct Urban Central Business District from the Land Use Element of the Comprehensive Plan.
2. The proposed amendment will add the title “Downtown Overlay” to accurately reflect the contents of the section.
3. The proposed amendment will not affect environmental or concurrency requirements related to future development.
4. The proposed amendment is consistent with the development standards of and patterns within the Downtown Overlay.

H. ATTACHMENTS:

Attachment #1: Proposed Text Amendment to the Land Use Element to Remove References to DRI Thresholds for the Urban Central Business District.

Attachment 1
Land Use Element

LAND USE GOAL 7: [L] *(Deletion Effective 7/20/05)*
Reserved

Objective 7.1: [L] *(Deletion Effective 7/20/05)*
Reserved

Policy 7.1.1: [L] *(Deletion Effective 7/20/05)*
Reserved

Southside Study Area Map *(Deletion Effective 7/20/05)*

LAND USE GOAL 8: *(Deleted Effective 8/4/03)*
Reserved

Objective 8.1: [L] *(Deleted Effective 8/4/03)*
Reserved

Policy 8.1.1: [L] *(Deleted Effective 8/4/03)*
Reserved

DRI THRESHOLDS FOR THE URBAN CENTRAL BUSINESS DISTRICT

Objective 9.1: [L] ~~*(Effective 7/1/94; Revision Effective 1/7/10)*~~

~~As part of an Urban Infill Strategy, higher densities and intensities will be encouraged in the Downtown Overlay. Pursuant to Rule 28-24.014(10), F.A.C., the Downtown Overlay, as depicted on the map, is hereby established to increase the development of regional impact guidelines and standards by 50%, for residential, hotel, motel, office, or retail developments in this area. These increased thresholds shall apply only to those developments approved after the effective date of the implementing ordinance (Ordinance 94-0-0016AA).~~

Policy 9.1.1: [L] ~~*(Effective 7/1/94)*~~

~~The applicable multi-use guidelines and standards may be increased by 100%, provided that one land use of the multi-use development is residential, and the residential development amounts to not less than 35% of this jurisdiction's residential threshold. (Rule 28-24.014(10)(a)2.f.)~~

Policy 9.1.2: [L] ~~*(Effective 7/1/94; Revision Effective 1/7/10)*~~

~~If any portion of a proposed development is located outside the delineated Downtown Overlay, then the increased DRI guidelines and standards shall not apply.~~

DOWNTOWN OVERLAY DISTRICT

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Attachment 1

Land Use Element

Objective 9.1: [L]

Promote revitalization, reinvestment and redevelopment characterized by site design which is pedestrian friendly and contains a mix of land uses which are designed to achieve compatibility.

Policy 9.1.31: [L] (Effective 7/1/94; Revision Effective 1/7/10)

Within those areas of the overlay that have a Residential Preservation land use designation, the Downtown Overlay designation is not intended to allow the development of nonresidential, or higher density than the Residential Preservation designation.

Policy 9.1.42: [L] (Revision Effective 1/7/10)

Those parcels within the Downtown Overlay (except Gaines Street Corridor Study Area) are eligible to be added to the Central Core FLUM when

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

Policy 9.1.53: [L] (Revision Effective 1/7/10)

The City shall establish special design standards in this overlay district in order to encourage more urban development. These regulations include but are not limited to:

- o Pedestrian oriented design standards;
- o Reduced parking requirements;
- o Flexibility in landscape, and buffer standards;
- o Increased sidewalk and streetscape requirements.

Policy 9.1.64: [L] (Revision Effective 1/7/10)

The City shall adopt Land Development Regulations to establish eligibility criteria (Such as minimum density) for developments in order to receive the incentives allowed under the Downtown Overlay goal.

Redevelopment

Objective 9.2: [L] (Formerly numbered 1.6; Revision Effective 1/710)

Provide a strategic framework to encourage redevelopment within the City of Tallahassee. The strategies should be implemented in such a manner as to convey an economic advantage for redevelopment without compromising the urban design and environmental quality of the community.

Objective 9.2.1: [L] (Effective 6/28/95; Revision Effective 1/7/10)

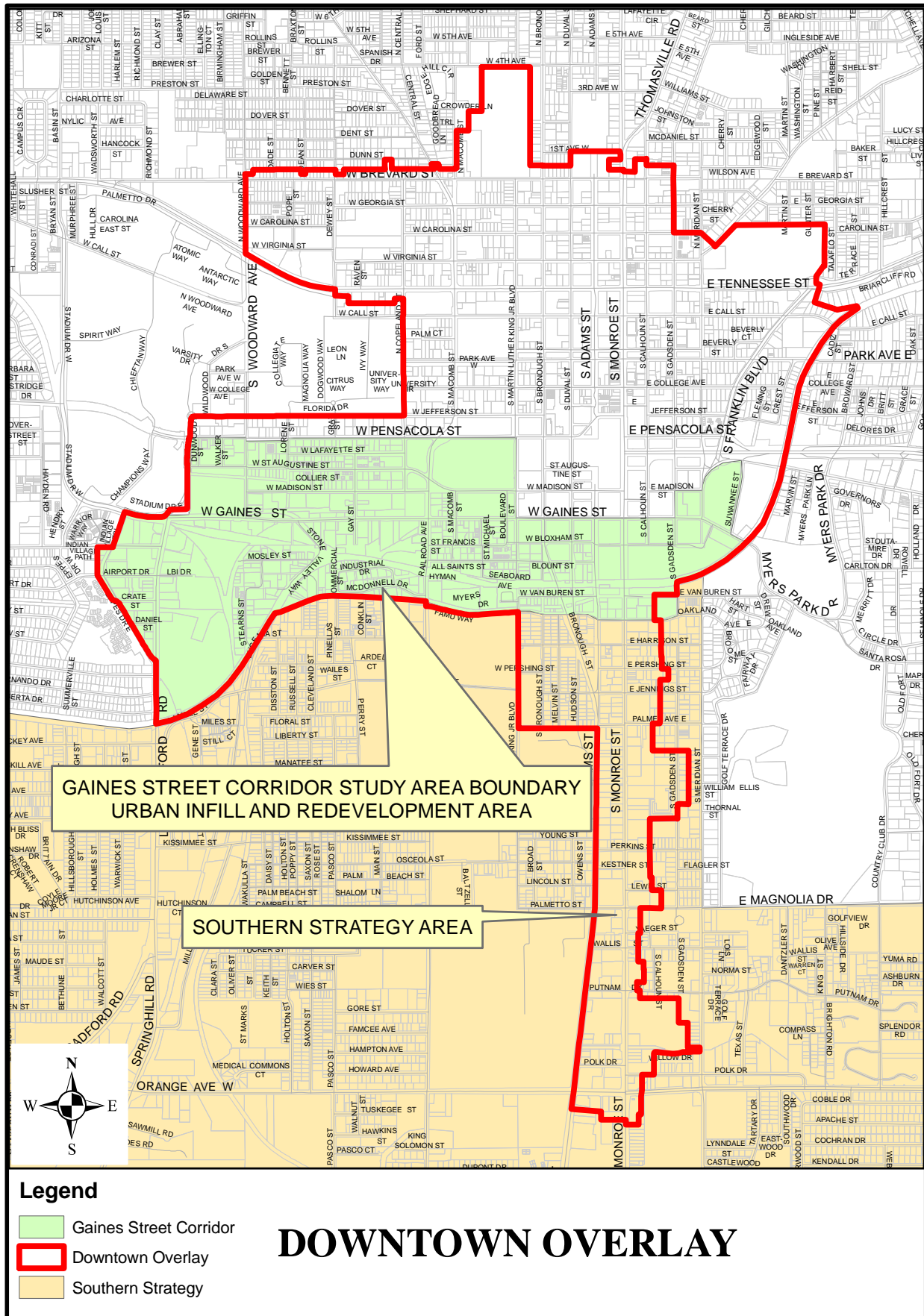
Attachment 1

Land Use Element

As part of the Redevelopment Strategy, the Gaines Street Corridor Study Area is designated as an Urban Infill and Redevelopment Area for the purpose of targeting economic development, housing, transportation, community revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core of the community. This area is depicted on the Downtown Overlay map as “Gaines Street Corridor Study Area Urban Infill and Redevelopment Area.”

Policy 9.2.3: IL1 (*Effective 12/8/00; Formerly numbered 1.6.4; Revision Effective 1/7/10*)

For the Gaines Street Corridor Study Area the maximum density permitted is 100 dwelling units per acre. Densities within specific districts may be further restricted based on the Gaines Street Revitalization plan.



- Legend**
- Gaines Street Corridor
 - Downtown Overlay
 - Southern Strategy

DOWNTOWN OVERLAY

Attachment 3

This is a request to amend the Future Land Use Element of the Tallahassee-Leon County Comprehensive Plan to remove a portion of the section describing DRI Thresholds for the Urban Central Business District. This request also seeks to add a title to this section to reflect its contents. The section is being amended because there is no longer an Urban Central Business District. Removing references to this district will help to remove excessive language and provide clarity within the Land Use Element.

Attachment #5: PCT150104
Sustainable Development in
Lake Protection
Staff Report

TEXT AMENDMENT #: PCT150104

APPLICANT: Tallahassee – Leon County Planning Department

TEXT / POLICY I.D.: Policy 2.2.18 of the Land Use Element

DATE: February 27, 2015

Preliminary Staff Recommendation: Approve Amendment PCT150104

A. SUMMARY:

This proposed policy amendment (see Attachment #1) was submitted by the Planning Department as authorized by the Leon County Board of County Commissioners at a workshop on November 19, 2013. It is part of the Lake Jackson Sustainable Development project. This project was developed by the Planning Department to implement the Board’s strategic initiative to "develop solutions to promote sustainable growth inside the Lake Protection Zone."

The proposed amendment accomplishes several goals:

1. It generally updates and revises Land Use Element policy 2.2.18 [L] “Lake Protection” to improve readability, remove areas of ambiguity, and defer standards more appropriate for the Land Development Code to that document. Specific revisions include the creation of headings and subheadings, the identification of implementation (zoning) districts correlated to the Lake Protection category, the creation of a “Special Conditions” section containing development standards specific to the category, and general grammatical changes.
2. It enables the creation of a Lake Protection Node (LPN) zoning district. Per the board’s direction, this new zoning category will allow for sustainable development patterns within the Lake Protection area. These nodes will be located at specific, primary intersections and will allow for the creation of compact, mixed-use, and multi-modal neighborhoods centers. These nodes are intended to serve the surrounding areas with office, retail, and employment opportunities in a manner that encourages walking and generally improves quality of life for residents. The relatively compact nature of these nodes in combination with heightened stormwater standards will ensure the continued protection of Lake Jackson.
3. It outlines an improved clustering option intended to encourage more sustainable residential development within the Lake Protection area. The proposed revisions create consistency between the County and City clustering standards and encourage compact, fiscally efficient, and environmentally protective development patterns.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed Lake Protection Node Zoning District (LPN) will allow limited residential, non-residential, and mixed-use development within targeted nodal areas where central sewer is available. This will also provide more walkability, reduce automotive trips, and increase stormwater treatment standards for all development and redevelopment in areas designated as LPN.
2. By providing a common residential cluster development option, the proposed amendment provides additional incentives for the development of cluster subdivisions. In comparison to conventional, large-lot developments, these subdivisions will provide for larger areas of permanently preserved open space, reduced reliance on private septic systems, and a broader range of housing options.
3. The proposed amendment is consistent with direction provided to the Planning Department by the Leon County Board of County Commissioners at a workshop held on November 19, 2013 and the overall intent of the Lake Protection future land use category.

C. PROPOSED POLICY CHANGE:

See Attachment #1.

D. APPLICANT’S REASON FOR THE AMENDMENT:

This amendment is intended to implement a strategic initiative within the Board’s Strategic Plan to “develop solutions to promote sustainable growth inside the Lake Protection Zone.”

E. STAFF ANALYSIS

Project History

At its regular meeting on January 29, 2013, the Leon County Board of County Commissioners (Board) ratified actions taken at the December 10, 2012 Annual Retreat. These actions included establishing a new strategic initiative within the Board’s Strategic Plan to “develop solutions to promote sustainable growth inside the Lake Protection Zone.” This new initiative implements the following Strategic Priorities:

Strategic Priority - Environment - To be a responsible steward of our precious natural resources in our continuous efforts to make Leon County a place which values our environment and natural beauty as a vital component of our community’s health, economic strength and social offerings.

- Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution (EN1).

- Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns (EN2).

Strategic Priority - Governance - To be a model local government which our citizens trust and to which other local governments aspire.

- Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value (G2).

With the guidance of these Strategic Priorities, staff from Planning, Development Support and Environmental Management (DSEM), and Public Works developed a set of recommendations intended to implement this strategic initiative. At a workshop held on November 19, 2013, the Board discussed these recommendations and directed staff to move forward with these recommendations as part of the Lake Jackson Sustainable Development project. The proposed amendment is part of these recommendations.

In addition to the proposed amendment, other amendments recently adopted by the Board have been related to the Lake Jackson Sustainable Development project. These include a comprehensive plan text amendment and land development regulation change to remove the half-acre lot size restriction in the unincorporated area when sewer is available, and a comprehensive plan map amendment to change the land use designation of the Overstreet addition to Maclay Gardens from Lake Protection to Recreation/Open Space.

Lake Protection History

The Lake Protection future land use category has been in the Comprehensive Plan since the Plan's inception in 1992. It was created in response to concerns regarding water quality in Lake Jackson. It is important to note that Lake Jackson has been designation both an Outstanding Florida Waterway and Aquatic Preserve by the Florida Department of Environmental Protection (FDEP).

At the time the Plan was being written, the Lake had been recently impacted by development within its watershed, including the construction of Interstate 10 and the large scale commercial developments along North Monroe Street (U.S. Highway 27). This development degraded the water quality of Lake Jackson by allowing large quantities of untreated stormwater, containing organic sediment and undesirable nutrients, to flow freely into the lake.

In response to these impacts, the Lake Protection land use category was created to better regulate development within the Lake Jackson drainage basin. The Lake Protection land use category consists of all property within the Lake Jackson basin, except for some areas developed prior to the adoption of the Plan. It currently has two correlated zoning districts: Lake Protection (LP) and Planned Unit Development (PUD). The LP zoning district for the development of residential uses at a maximum density of one (1) unit per two (2) acres with clustering options that vary by jurisdiction (City/County). Minor office and commercial uses within the Lake Protection category are permitted only in the unincorporated areas of the category through the Planned Unit Development (PUD). Other commercial and office uses, as well as industrial uses, are prohibited.

Proposed Amendment

As previously stated, the proposed amendment generally updates and revises the Lake Protection Land Use category. It enables the creation of a Lake Protection Node (LPN) zoning district intended to allow for compact, mixed-use, and multi-modal neighborhood centers and outlines an improved clustering option intended to encourage more sustainable residential development within the Lake Protection area. A summary of the proposed LPN district and revised cluster option is provided below.

Lake Protection Node Zoning (LPN) District

The Lake Protection Node (LPN) zoning district is intended to allow residential, non-residential and mixed-use development, including, but not limited to, office uses, commercial uses, and a broad range of housing types. Community services, including (but not limited to) schools, parks, police and fire stations, and religious facilities, shall also be permitted within areas designated LPN.

The Lake Protection Node zoning district option shall be allowed within ¼ mile of the center of the following intersections:

- Highway 27 North and Sessions Road;
- Highway 27 North and Fred George Road;
- Highway 27 North and Capital Circle NW/Old Bainbridge Road; and
- Bannerman Road and Bull Headley Road.

These nodes were chosen due to their location at major intersections and the degree of historical, non-residential development previously in existence. Their identification and treatment as nodes will allow them to develop in a more sustainable and efficient manner and expand their ability to serve surrounding neighborhoods.

The concentration of development around specific nodes is a planning tool gaining popularity both locally and throughout the country. The concept is predicated upon traditional, walkable development patterns and provides significant environmental and quality of life improvements over auto-oriented or “strip” development. By concentrating commercial, office, and higher density residential uses in compact, walkable centers, nodes can reduce automobile trips, decrease the need for costly and environmentally impactful roadway improvements, and provide convenient and attractive shopping and employment options to adjacent or nearby residential areas.

Specific details on the locations, range of uses, urban design, infrastructure, and other requirements will be provided within the LPN zoning district in the land development code.

Cluster Option

Two residential cluster development options are presently provided for in Policy 2.2.18 [L]. Within the incorporated area of the Lake Protection category, clustered residential development is permitted at a maximum density of one (1) unit per gross. Up to 25% of the subject site may be developed and the remaining 75% must be set aside as permanently preserved open space.

Within the unincorporated area, clustered residential development is permitted on 40% of the subject site with the remaining 60% being set aside as permanently preserved open space. This development may occur at a maximum density of two (2) units per acre, but it is important to note that density calculations are limited to the 40% of the site considered for development and not the gross acreage of the site. This unique method of density calculation (no other category in the plan uses such) is confusing to many, reduces the overall number of units permitted, and may actually result in fewer property owners and developers selecting the cluster option.

Historically, neither of the aforementioned cluster options has been used often. Only three clustered subdivisions have been built within the Lake Protection area since the inception of the Comprehensive Plan, one in incorporated area and two in the unincorporated area.

The new, common cluster option will allow a density of two (2) dwelling units per gross acre and requires connection to central water and sewer systems. Consistent with the County's previous standard, development is permitted on 40% of the subject site with the remaining 60% being set aside as permanently preserved open space. Preserved open space areas are to be comprised of conservation features, Special Development Zones (where they exist), and undeveloped uplands. These areas may be used for active and passive recreation, and stormwater facilities, provided they are unfenced and designed as a community amenity.

As with the Node concept, clustered subdivisions are a popular planning tool gaining acceptance throughout the country. They have many benefits over conventional, large-lot development, including an ability to preserve large, contiguous swaths of open space, reduce impervious surface, and reduce infrastructure requirements and costs.

In summary, the proposed common residential cluster development option is intended to:

1. make clustered subdivisions a more attractive development option;
2. increase pervious, natural open space and reduce reliance upon private septic systems in the Lake Protection area; and,
3. provide consistency between city and county policies and regulations.

Public Review

Planning Department staff has met numerous times with County staff and several groups during the development of this proposed amendment. These groups include:

1. Friends of Lake Jackson
2. Sustainable Tallahassee
3. The Greater Tallahassee Chamber of Commerce
4. Network of Entrepreneurs & Business Advocates

For those groups who responded to Planning Department outreach activities, their comments were considered and incorporated into the proposed policy language where appropriate.

F. STAFF REPORT UPDATE:

Below is a summary of actions that have taken place subsequent to the publication of the original staff report.

Local Planning Agency Review

Since the publication of the original staff report on January 8, 2015, an additional community workshop and a Local Planning Agency (LPA) Workshop have been held. In addition, correspondence was received from local property owners and representatives from the Friends of Lake Jackson.

Below is a generalized list of questions and concerns presented by citizens and LPA commissioners. Each of the items is followed by a staff response to the respective issue(s).

Please provide a map depicting the general location of the four Lake Protection Nodes.

Staff Response: Attachments 2 – 6 depict the location of the nodes at both a basin wide and local scale. Included in the local exhibits are the proposed ¼ mile radius nodes, roadways, future land uses, the Lake Jackson basin boundary, Special Development Zones (SDZ), building footprints, and non-conforming uses.

In addition, an exhibit depicting the location of known non-conforming uses basin wide has been included as attachment 7. This exhibit was created to illustrate the relationship between non-conforming uses and the proposed nodes.

Does the proposed amendment allow for increased development inside the Lake Jackson Special Development Zones?

Staff Response: No. The proposed amendment in no way changes the policies and regulations governing Special Development Zones (SDZ). Additional language has been placed in the proposed revision to further clarify the relationship between the SDZs and the Lake Protection Nodes. Language regarding residential clusters, as they relate to SDZs, was removed during the policy re-write as it was redundant and identical to language contained in policy 2.1.10(L).

Does the proposed amendment allow for more development inside the Lake Protection category?

Staff Response: There is not a simple “yes” or “no” answer to this question. Staff was directed, via the Board’s Strategic Initiative, to identify methods for sustainably accommodating growth in the Lake Protection category. The proposed amendment seeks to create compact, mixed-use, and multimodal nodes at four primary intersections within the category and encourage clustering of residential development. While it is difficult (if not impossible) to quantify the amount of total development permitted under the current

policy and proposed amendment, once can compare the resulting development patterns from a qualitative standpoint.

The existing policy allows for residential development at a density of one (1) dwelling unit per two (2) acres. A clustering option with a density bonus does exist, but is so undesirable that it has only been used three (3) times in 25 years. Non-residential development can occur anywhere within the category provided it meets locational criteria for access and is processed as a Planned Unit Development (PUD). Popular literature and relevant research regarding smart growth and sustainable development would categorize these regulations as “suburban sprawl”. They result in a development pattern that consumes significant quantities of land, is almost completely auto-dependent, and is highly inefficient in its utilization of public infrastructure.

Consistent with literature published by the Smart Growth Network (see Attachment #8, Section 1), the proposed amendment incentivizes more sustainable development patterns by directing non-residential development into compact, mixed-use, and multimodal nodes. These nodes were specifically chosen due to their location at major intersections, proximity to infrastructure, and existing development patterns.

Each of the nodes contains existing properties suitable for redevelopment and “greenfield” parcels which can be developed in a more sustainable manner. Higher density residential (8 du/ac) is also proposed for these nodes. This residential development is an essential to creating a mixture of uses and supporting existing and future transit service.

Outside of the Lake Protection Nodes, the residential cluster option has been revised to further incentivize its use. Clustering of residential has considerable benefits over traditional, large lot development. Clustered subdivisions preserve significantly more open space, require less infrastructure, and can result in a greater diversity of housing options.

Does the proposed amendment eliminate the requirement that stormwater for non-single family and non-vested uses shall be retained on site?

Staff Response: Yes, and replaces it with a requirement that ALL development within the Lake Protection category meet higher stormwater treatment standards. Non-single family development currently comprises less than 4% of the Lake Protection category. Of the 171 parcels containing non-single family uses, only 17 have stormwater facilities meeting the current Lake Jackson treatment standard.

Planning staff has worked closely with DSEM and Public Works to develop a volume-control standard that far exceeds the State of Florida’s Outstanding Florida Waters (OFW) treatment standard. As previously mentioned this new stormwater treatment standard shall apply to all development within the Lake Protection Category and includes incentives for redevelopment of properties that may have little if any

treatment currently. This standard, like all others, shall be included the water quality treatment standard section of the County and City's land development codes. A draft of the new Lake Jackson Proposed Stormwater Standard is included as Attachment #9.

Local Planning Agency Recommendations

A Local Planning Agency (LPA) hearing on this matter was held on February 3, 2015. The LPA unanimously approved the proposed amendment with the following conditions:

- Revise first paragraph of Intent section to recognize impaired status of Lake Jackson
- Revise second paragraph of Intent section to state that areas outside the USA may not be designated LP
- Exclude existing, residential subdivisions from the nodes
- Include the proposed stormwater standard in the Comprehensive Plan

Water Resources Committee Recommendations

The Leon County Citizens Advisory Water Resources Committee (WRC) reviewed the proposed amendment at its regular meeting on March 2, 2015. The Committee voted unanimously to support the proposed amendment, contingent upon the inclusion of the LPA revisions. They also recommended the inclusion of additional language addressing nutrient loading in the revised stormwater standard. This recommendation has three parts:

1. Leon County should require new stormwater facilities within the Lake Protection area to incorporate practices and designs to minimize nutrient loading to surface and ground water,
2. Leon County should monitor nutrient levels from these stormwater facilities within the Lake Protection area to ensure that these facilities are treating nutrients as designed, and
3. The Board should consider additional changes to Policy 2.2.18 [L] to address nutrient levels affecting Lake Jackson from development within the Lake Protection policy if the proposed stormwater treatment standard within PCT150104 is found to be inadequate in addressing nutrient loading to Lake Jackson.

The committee issued a letter outlining their actions and containing their recommendations and revisions. This letter has been included as Attachment #10.

Science Advisory Committee Recommendations

The Leon County Science Advisory Committee (SAC) reviewed the proposed amendment at its regular meeting on March 6, 2015. The SAC unanimously voted to support the following recommendations:

1. The SAC accepted the proposed volume control regulation presented by staff for land development regulation (LDR) and recommended that the following language also be included in the comprehensive plan: "Runoff volumes within the Lake Jackson Basin in

excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except that if multiple development sites are located within the basin, the excess volume may be discharged from individual sites to an approved regional retention facility located within the basin.

2. Change the intent section of the proposed policy to recognize that although the state of Lake Jackson has improved over the past few years the nutrient levels are still high and the Lake is still impaired.
3. Propose continuous monitoring of stormwater ponds built under the new standard to ensure they meet the original design standards.

The first and second recommendations are similar to those made by the LPA and the WRC. The third recommendation is similar to one of the additional recommendations made by the WRC. The committee issued a letter outlining their actions and containing their recommendations and revisions. This letter has been included as Attachment #11.

Deletion of Policy 2.1.10 (L)

During review of the proposed amendments, it was determined that Land Use Element Policy 2.1.10 was inconsistent with both the overall intent of the Lake Protection clustering provision as well as other policies and regulations governing Special Development Zones (SDZ). Given these inconsistencies, Policy 2.1.10 (L) is proposed for deletion (see Attachment #12).

The policy, which specifically addresses the clustering of residential development in the Lake Jackson Special Development Zone, reads as follows:

Cluster of residential development in areas designated for Lake Protection Land Use shall be permitted only on those portions of parcel not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD nor determined to be severely limited by environmental constraints. Such constraints may be determined by on-site environmental analysis, building or soil limitation ratings in the Leon County Soil Survey, or other natural resource inventory determined appropriate by the local government.

Policy 2.2.12 of the comprehensive plan's Conservation Element outlines criteria for the establishment and implementation of SDZs. More specifically, the policy states:

Special development zones with accompanying criteria shall be established and implemented through the LDRs for the following lakes:

Lake Jackson – Zone A = below elevation 100 feet NGVD (criteria) 5% or 4,000 sq. ft. may be disturbed

Zone B = between 100 feet NGVD and 110 feet NGVD (criteria)
50% of the site must be left natural.

Preserve shoreline vegetation in its natural state for minimum of 50 linear feet landward of the ordinary high water line. Allow essential access. Government initiated stormwater facilities for retrofit purposes may utilize a greater portion of the SDZ if applicable criteria (Policy 2.1.9[C]) are met.

While Policy 2.2.12 (C) allows for impacts of 5% and 50% to Zones A and B, respectively, Policy 2.2.10 (L) precludes any impacts if the property is developed as a clustered residential subdivision. This inconsistency effectively disincentivizes clustering of residential development within the Lake Protection category and is therefore inconsistent with the intent of the categories' clustering provisions which explicitly seeks to incentivize such development.

G. CONCLUSION:

Based on the above analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. The proposed Lake Protection Node Zoning District (LPN) will allow limited residential, non-residential, and mixed-use development within targeted nodal areas where central sewer is available. This will also provide more walkability, reduce automotive trips, and increase stormwater treatment standards for all development and redevelopment in areas designated as LPN.
2. By providing a common residential cluster development option, the proposed amendment provides additional incentives for the development of cluster subdivisions. In comparison to conventional, large-lot developments, these subdivisions will provide for larger areas of permanently preserved open space, reduced reliance on private septic systems, and a broader range of housing options.
3. The proposed amendment is consistent with direction provided to the Planning Department by the Leon County Board of County Commissioners at a workshop held on November 19, 2013 and the overall intent of the Lake Protection future land use category.

H. ATTACHMENTS:

Attachment #1: Proposed Changes to Lake Protection Future Land Use Category (UPDATED)

Attachment #2: Proposed Nodal Areas

Attachment #3: U.S. 27 & Fred George Road Node

Attachment #4: U.S. 27 & Sessions Road Node

Attachment #5: U.S. 27 & Old Bainbridge Road Node

Attachment #6: Bannerman Road & Bull Headly Road Node

Attachment #7: Nonconforming Parcels in Lake Protection

Attachment #8: Workshop on Proposed Solution to Promote Sustainable Growth inside the
Lake Protection Zone – November 19, 2013

Attachment #9: Proposed Lake Jackson Stormwater Standard

Attachment #10: WRC Letter

Attachment #11: SAC Letter

Attachment #12: Proposed Deletion of Policy 2.1.10 (L)

Policy 2.2.18: [L]

LAKE PROTECTION (Rev. Effective 12/22/95; Revision Effective 7/26/06; Renumbered 3/14/07)

Intent

Lake Jackson, designated both an Outstanding Florida Water (OFW) and Aquatic Preserve, is one of the most unique waterways in Florida. Historically, the lake has suffered from water quality issues associated with rapid urbanization and large-scale roadway projects. Lake Jackson's water quality has improved since adoption of the Comprehensive Plan, due in large part to the adoption of stringent stormwater treatment standards and the implementation of capital projects; however, nutrient levels in the Lake remain elevated and the Lake continues to be designated "Impaired" by the Florida Department of Environmental Protection.

The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in a sustainable and environmentally sound manner with minimal impact to water quality. The Lake Protection category is the basis for regulation and, where appropriate, limitation of development and redevelopment of land within the Lake Jackson Basin. The bounds of this category are to be the Lake Jackson basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10 and areas outside the Urban Service Area.

Allowable Uses, Densities, and Intensities

Residential

The Lake Protection category shall allow for single family residential uses at a base density of one (1) dwelling unit per two (2) gross acres.¹ To encourage compact and efficient development, two density bonus options are available for properties within the category:

1. A residential density of up to two (2) dwelling units per gross acre may be permitted within developments designed as a Clustered Subdivision.

¹ (Leon County) Any development affecting real property located in whole or in part within the Lake Protection Future Land Use Map category west of US 27 North for which an initial Planned Unit Development Concept or Final Development Plan was approved before January 1, 2005 shall be vested for all uses, intensities and densities set forth in the PUD Concept Plan Ordinance. Said PUD shall be entitled to rely on the closed basin exemption previously set forth in this section if the Commission determined prior to January 1, 2005 that the PUD met the requirements for such closed basin exceptions and that such determination has not been overturned by a court of competent jurisdiction at the time vested rights are sought under this provision. If a court of competent jurisdiction invalidates such a PUD due to reasons unrelated to whether the property met the requirements for the closed basin exemption, any new or modified PUD application relating to the same real property shall be vested for the uses, intensities and densities of the previously approved PUD. All development within said certified closed basins approved pursuant to this provision shall be approved through the PUD amendment process, except that in unincorporated Leon County a one-into-two residential lot split exemption shall be processed according to the established County procedures instead of the PUD process.

2. A residential density of up to eight (8) dwelling units per gross acre may be permitted within the Lake Protection Node (LPN) zoning district.

Mixed-use & Non-residential

Non-residential and mixed-use development (including, but not limited to, office and commercial uses) within the Lake Protection category may only be permitted within areas designated with the Lake Protection Node (LPN) zoning district. Within this district, single use, non-residential development shall be allowed at a maximum intensity of 10,000 square feet (s.f.) per acre. Projects containing a vertical mixture of uses, including any combination of office, commercial and residential uses, may receive a bonus of 2,500 s.f. per acre, for a total of 12,500 s.f. per acre.

Community Services

Community Services, including, but not limited to, schools, parks, police and fire stations, and religious facilities, shall be permitted within the Lake Protection (LP) and Lake Protection Node (LPN) zoning districts. These uses shall be allowed at a maximum intensity of 10,000 square feet (s.f.) per acre.

Special Conditions

The following special conditions shall apply to the Lake Protection Future Land Use category:

1. The Lake Protection Node zoning district shall only be permitted at the following intersections:
 - Highway 27 North and Sessions Road
 - Highway 27 North and Capital Circle NW/Old Bainbridge Road
 - Highway 27 North and Fred George Road
 - Bannerman Road and Bull Headley Road

The exact extent of these Nodes shall be specified in the City of Tallahassee and Leon County land development regulations, but generally shall not extend beyond ¼ mile from the respective intersection and shall not include areas within a Special Development Zone (SDZ) or existing single-family subdivisions.

2. As an alternative to large-lot developments, Clustered Subdivisions shall be permitted within the Lake Protection zoning district. Clustered Subdivisions shall:
 - Contain a minimum of 60% contiguous open space preserved in perpetuity and comprised of such things as preservation and conservation features, Special Development Zones, undeveloped uplands, passive recreation areas, and storm water facilities designed as a community amenity;
 - Be developed at a maximum density of two (2) dwelling units per gross acre; and,
 - Be served by central water and sewer systems.

3. A volume control based stormwater treatment standard shall be required for all development and redevelopment within the Lake Protection land use category. This standard shall ensure that runoff volumes in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm.
4. Additional development standards deemed necessary to protect Lake Jackson from further degradation and/or improve existing water quality may be included in the land development code.
- ~~1-5.~~ Existing, lawfully established, non-residential uses within the Lake Protection land use category that are compatible with surrounding uses and meet all water quality standards for the Lake Jackson Basin shall be considered permitted uses.

~~This is a protection category that is specific to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson. The category is based on the lake basin boundary adjusted to include contributing watersheds but to exclude existing, more intensely developed areas south of Interstate 10. Consistent with the purpose of this category, Lake Protection densities and intensities shall be applied to undeveloped areas within the Lake Jackson drainage basin when such properties are developed.~~

~~The Lake Protection category allows residential uses of one unit per two acres¹. An option to develop at a density of one unit per gross acre is available within the City as long as the resultant development clusters the units on 25% of the property and maintains the remaining 75% in natural open space. In the unincorporated portions of the Lake Protection category clustering is allowed on 40% of the site at a net density of two (2) units per acre on the developed portion of the property. The remaining 60% of the property must remain in natural open space. The cluster options are intended to preserve green space within this land use category and be designed to minimize non-point pollution from the site. Cluster of residential development in areas designated for Lake Protection land use shall be permitted only on those portions of parcels not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD, and for higher elevations not determined to be severely limited by environmental constraints. Such constraints may be determined by on-site environmental analysis, building or soil limitation ratings in the Leon County Soil Survey, or other natural resource inventory determined appropriate by the local government. Industrial, office and commercial uses are prohibited in the Lake Protection category within the city limits. In the unincorporated areas of the Lake Protection category, minor office and minor commercial uses may be approved through the PUD process only if development retains its resultant stormwater on site. All industrial, commercial and office uses other than minor are prohibited in the unincorporated areas of the Lake Protection category as well. Urban services are intended for this category inside the Urban Service Area.~~

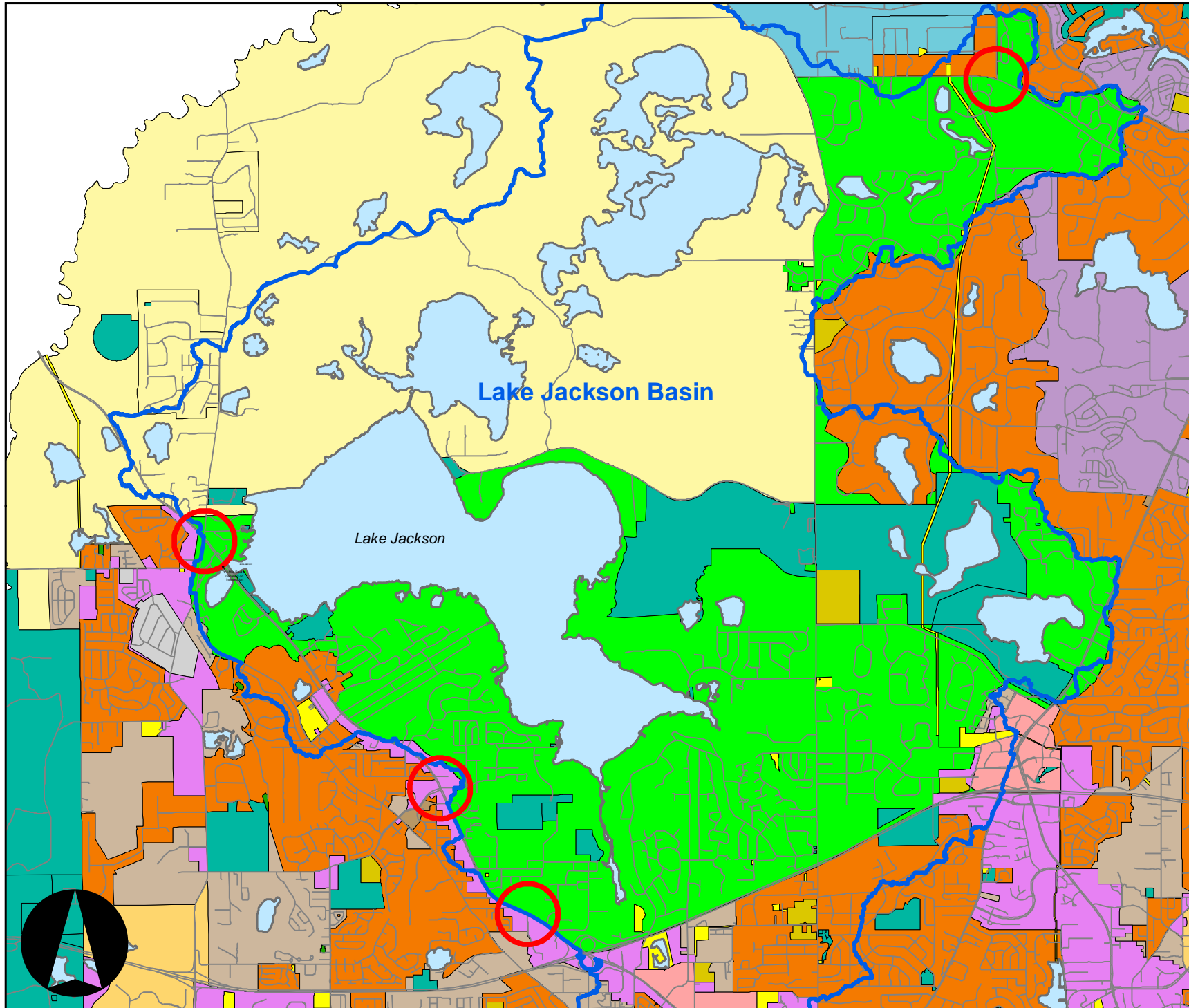
~~Additional requirements based on scientific studies and deemed necessary to protect the lake from further degradation, as well as improve existing water quality, will be included in the land development code. Existing non-residential uses within the Lake Protection land use category~~

~~that meet all water quality standards required in the comprehensive plan by the time frames required in the plan, will be considered permitted uses.~~

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

DRAFT

Attachment #2: Proposed Nodal Areas



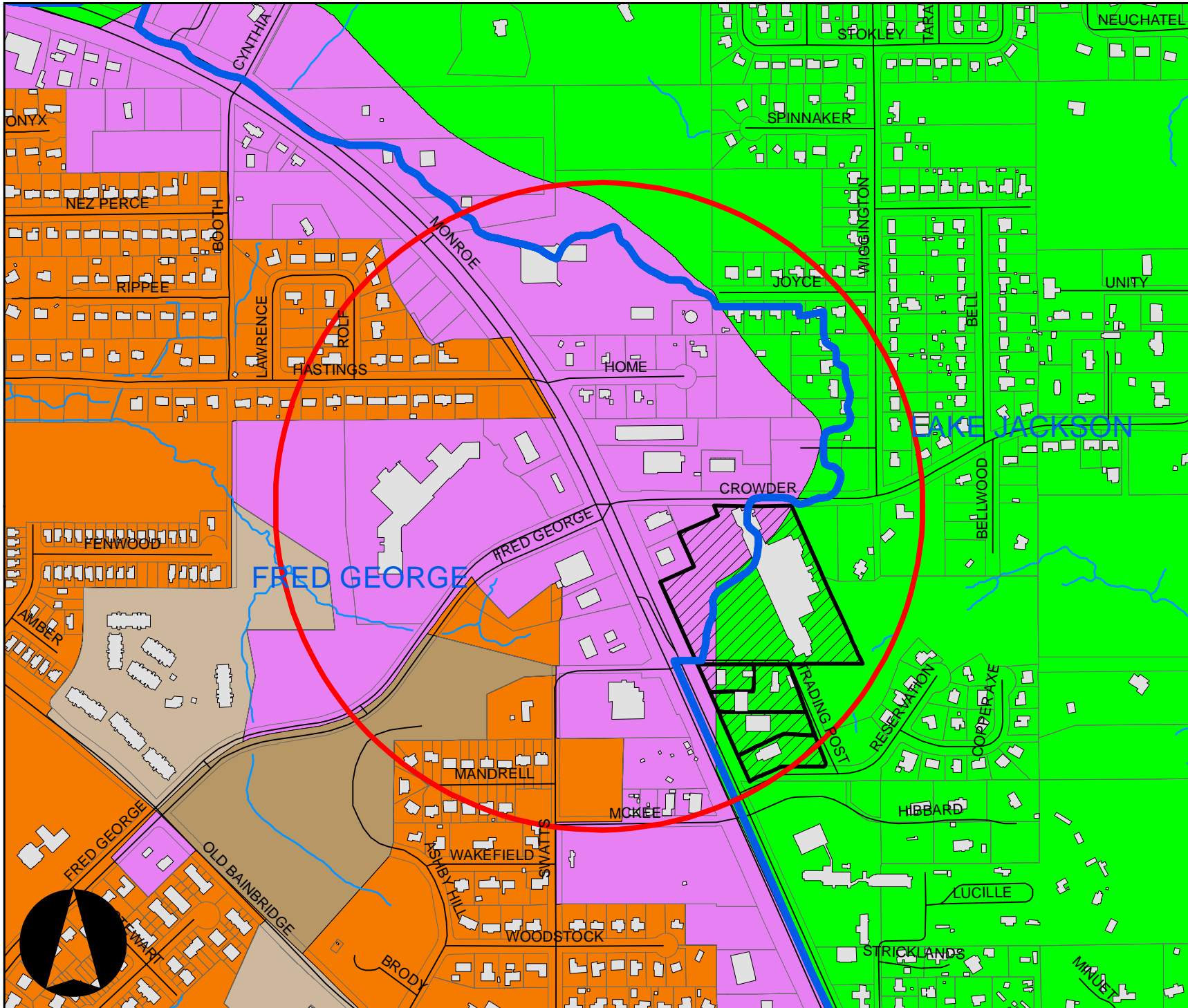
Legend

- Node
- Lake Jackson Basin
- Roads
- Major Waterbody
- Activity Center
- Agriculture/Silviculture/Conservation
- Industrial
- Educational Facilities
- Governmental Operation
- Lake Protection
- Mixed Use
- Open Space
- Open Space Stormwater
- Rural
- Residential Preservation
- Urban Fringe
- Rural with RP Overlay
- Urban Fringe with RP overlay
- Planned Development
- Suburban
- Urban Residential 2
- Urban Residential

0 0.2 0.4 0.8 Miles

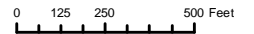


Attachment #3: U.S. 27 & Fred George Road Node

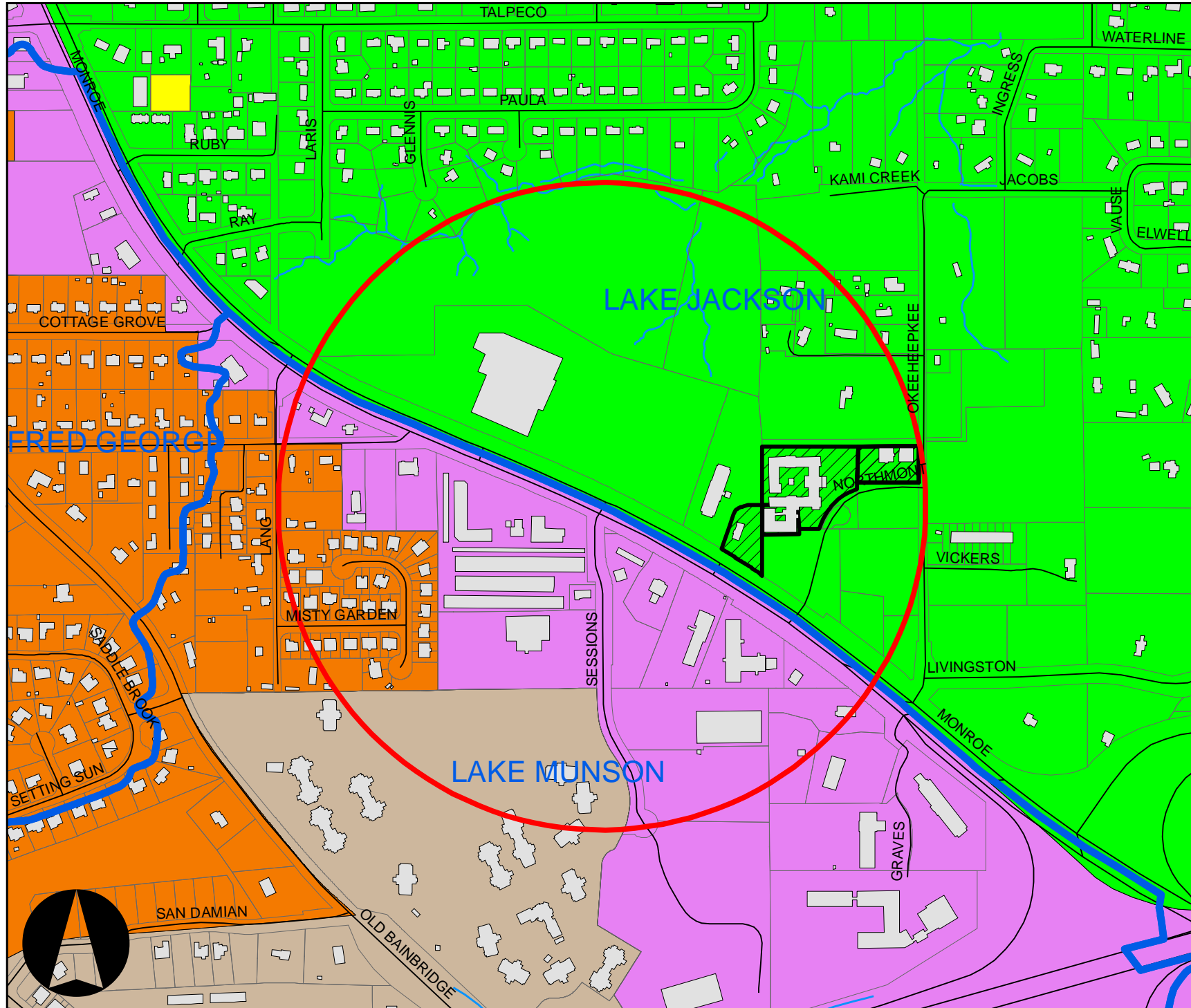


Legend

- Node
- Drainage Basin
- Building
- Nonconforming Parcels in Nodes
- Roads
- Property Boundary
- Major Waterbody
- Watercourse
- LAKE JACKSON ZONE A
- LAKE JACKSON ZONE B
- Lake Protection
- Residential Preservation
- Suburban
- Urban Residential 2
- Urban Residential

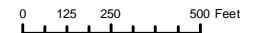


Attachment #4: U.S. 27 & Sessions Road Node

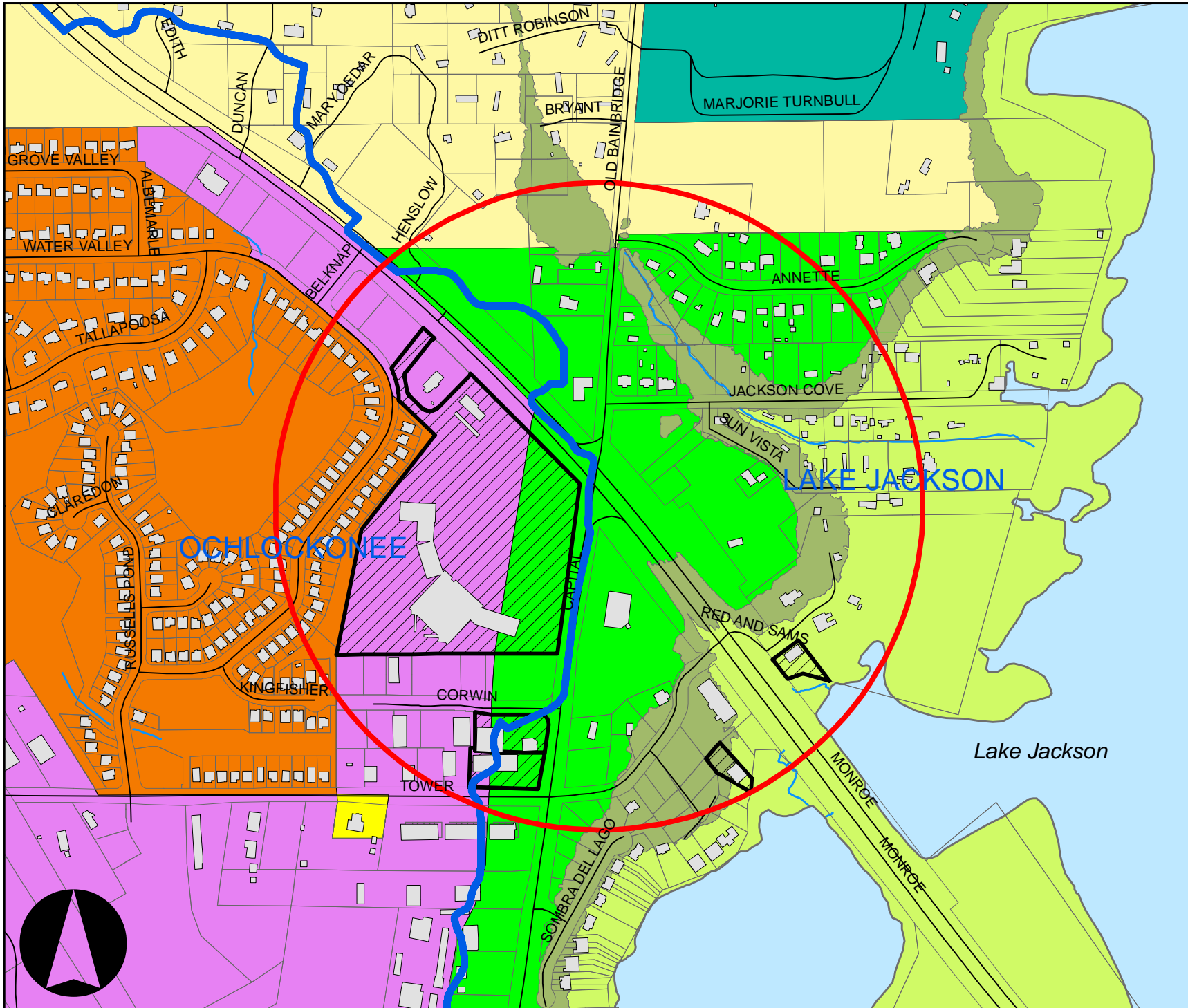


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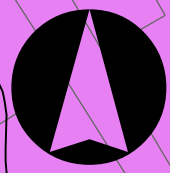
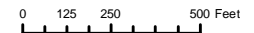
- Node
- Drainage Basin
- Building
- Nonconforming Parcels in Nodes
- Roads
- Property Boundary
- Major Waterbody
- Watercourse
- LAKE JACKSON ZONE A
- LAKE JACKSON ZONE B
- Governmental Operation
- Lake Protection
- Residential Preservation
- Suburban
- Urban Residential 2



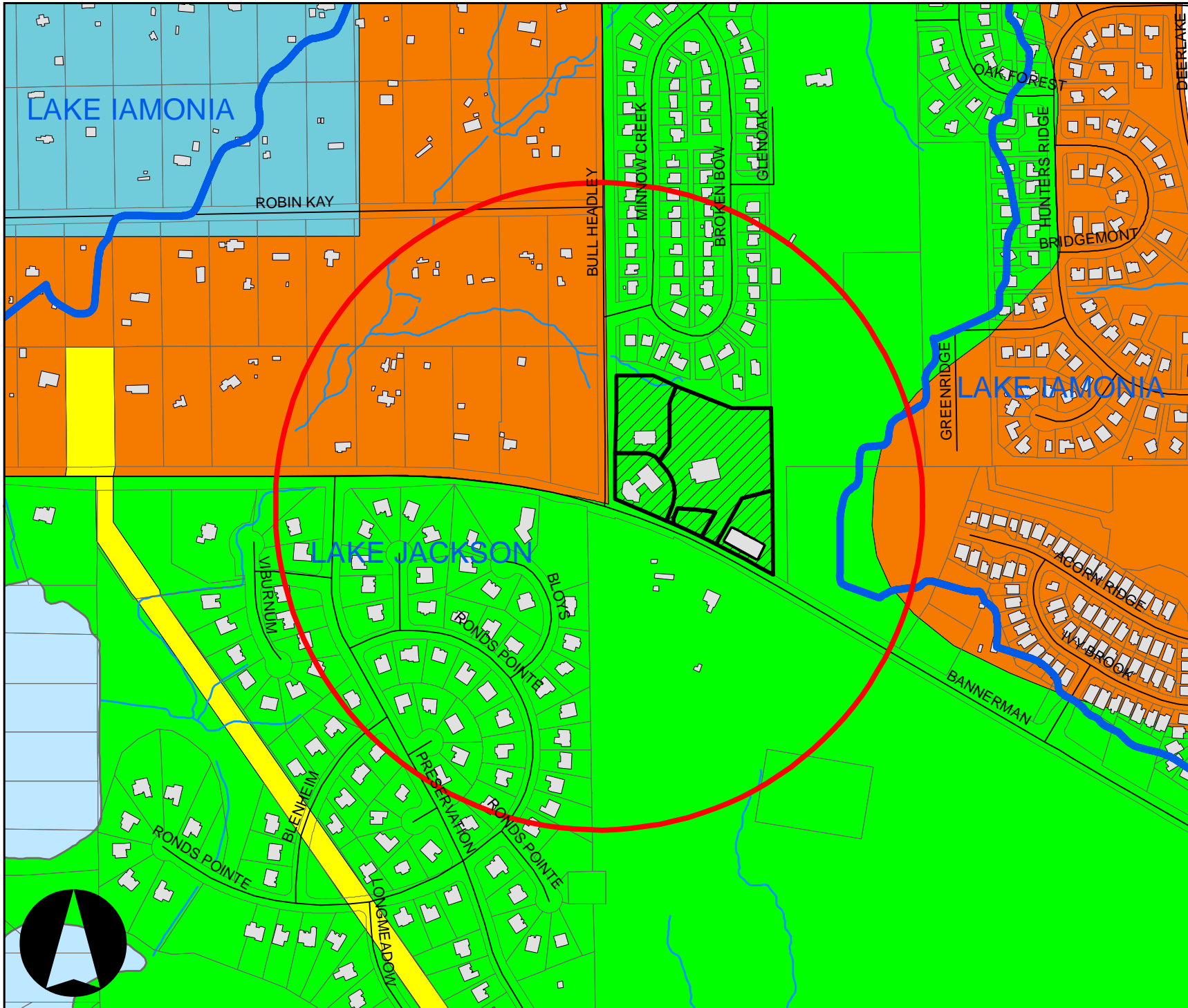
Attachment #5: U.S. 27 & Old Bainbridge Road Node

















- Legend**
- Node
 - Drainage Basin
 - Building
 - Nonconforming Parcels in Nodes
 - Roads
 - Property Boundary
 - Major Waterbody
 - Watercourse
 - LAKE JACKSON ZONE A
 - LAKE JACKSON ZONE B
 - Governmental Operation
 - Lake Protection
 - Open Space
 - Rural
 - Residential Preservation
 - Suburban

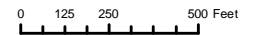


Attachment #6: Bannerman Road & Bull Headley Road Node

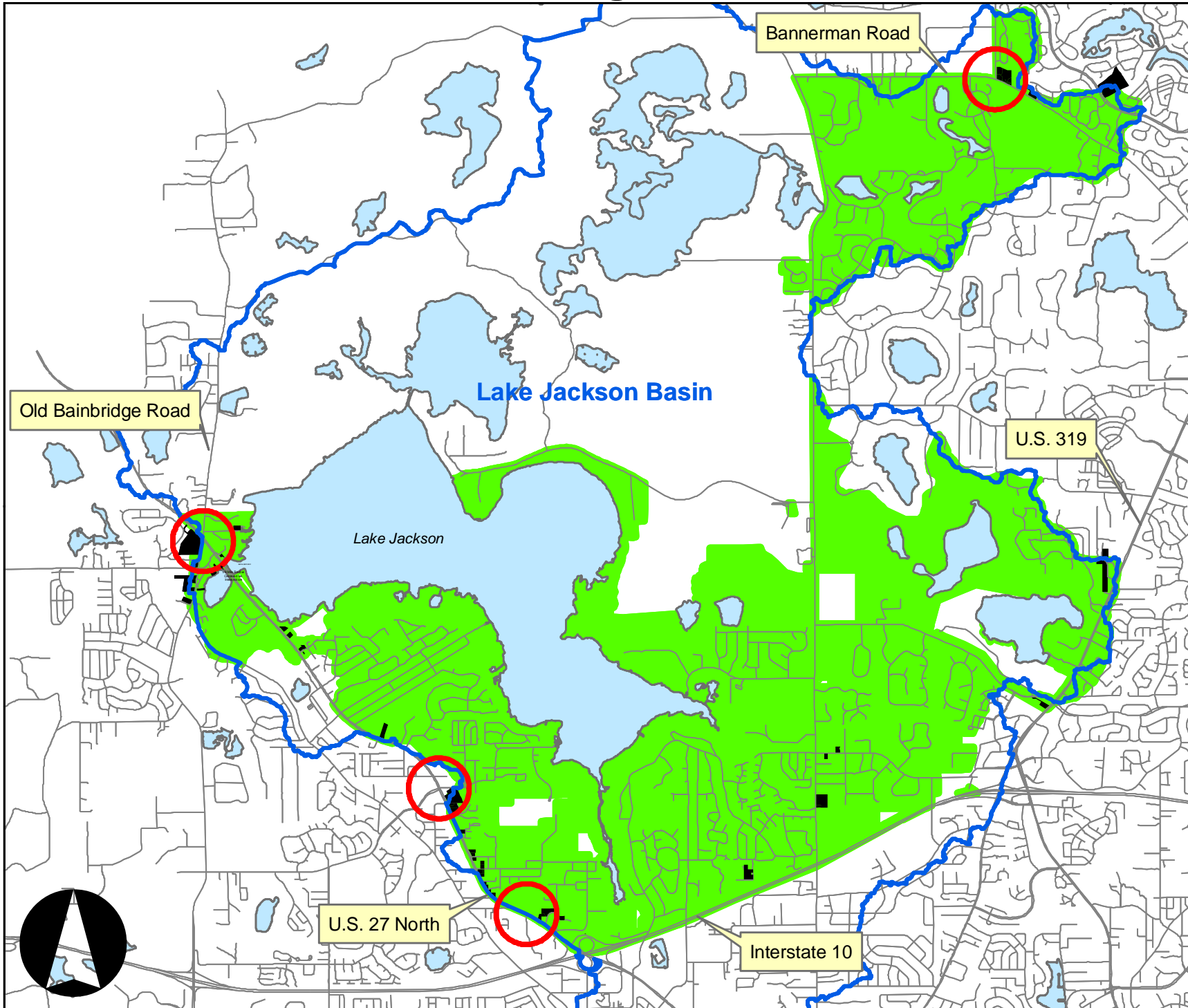


Legend

-  Node
-  Drainage Basin
-  Building
-  Nonconforming Parcels in Nodes
-  Roads
-  Property Boundary
-  Major Waterbody
-  Watercourse
-  LAKE JACKSON ZONE A
-  LAKE JACKSON ZONE B
-  Governmental Operation
-  Lake Protection
-  Residential Preservation
-  Urban Fringe with RP overlay

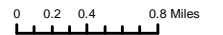


Attachment #8: Nonconforming Parcels in Lake Protection



Legend

- Node
- Lake Jackson Basin
- Roads
- Nonconforming Parcels in Basin
- Major Waterbodies
- Lake Protection



Leon County Board of County Commissioners

Workshop Cover Sheet

November 19, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Workshop on Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone

| | |
|--|--|
| County Administrator Review and Approval: | Vincent S. Long, County Administrator |
| Department/ Division Review: | Tony Park, P.E., Public Works and Community Development Wayne Tedder, Planning, Land Management and Community Enhancement (PLACE) |
| Lead Staff/ Project Team: | Cherie Bryant, Interim Planning Manager Brian Wiebler, Principal Planner Stephen Hodges, Senior Planner |

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept staff recommendations A through L and the recommended implementation phases.

Report and Discussion

Background:

At its regular meeting on January 29, 2013, the Board ratified actions taken at the December 10, 2012 Annual Retreat. These actions included establishing a new strategic initiative within the Board Strategic Plan to “develop solutions to promote sustainable growth inside the Lake Protection Zone.” This new initiative implements the following Strategic Priorities:

Strategic Priority - Environment - To be a responsible steward of our precious natural resources in our continuous efforts to make Leon County a place which values our environment and natural beauty as a vital component of our community’s health, economic strength and social offerings.

- Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution (EN1).
- Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns (EN2).

Strategic Priority - Governance - To be a model local government which our citizens trust and to which other local governments aspire.

- Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value (G2).

With the guidance of these Strategic Priorities, staff from the Planning Department, Development Support and Environmental Management, and Public Works developed several concepts intended to implement this Initiative. These concepts are explored further in the following sections.

Analysis:

This analysis is divided into the following six sections:

1. What is Sustainable Growth?
2. What is the Lake Protection Zone?
3. Current Residential Density and Uses in Lake Protection
4. Impervious Area as a Predictor of Stream Health
5. Lake Jackson Special Development Zones
6. Staff Recommendations and Implementation Phases

A review of sustainable growth concepts is provided along with recommendations for incremental policy changes to help align Lake Protection policies. Attachment #1 provides information on the history of the Lake Jackson Basin and institutional responses to the environmental impacts to this significant natural resource.

An important point to consider throughout this analysis is that the current Lake Protection standards restrict development to large lot, residential uses only. However, the current LP standards are not consistent with the Comprehensive Plan directives for the Urban Services Area. Staff will explain this issue further in Section 4 of this Analysis.

1. What is Sustainable Growth?

The 1987 World Commission on Environment and Development established the most often used definition of sustainable development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." While this definition is widely utilized, it is challenging to directly apply to policy decisions. As such, the definition has been the subject of many efforts to develop implementing principles.

Staff selected "Smart Growth" as the body of work and implementing principles to provide a framework for this analysis. The Smart Growth principles were established by the Smart Growth Network in 1996 and were the subject of four publications developed cooperatively with the International City/County Management Association. The Smart Growth Network has a broad partnership base including the National Association of Counties, ICLEI-Local Governments for Sustainability, Institute of Transportation Engineers, American Planning Association, Florida Department of Health, and the National Association of Realtors. Both Leon County and the City of Tallahassee are members of ICLEI.

The Smart Growth principles were selected for this analysis based on the quality of the information available, specific focus on local government, broad support, and consistency with existing Comprehensive Plan and Board direction. Attachment #2 provides information on why communities select Smart Growth (adapted from "This is Smart Growth," published by ICMA and EPA in 2006).

The ten Smart Growth principles identified by the Smart Growth Network include:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Strengthen and direct development towards existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

These principles, staff analysis, and the policy examples provided in "Getting to Smart Growth: 100 Policies for Implementation" and "Getting to Smart Growth II: 100 More Policies for

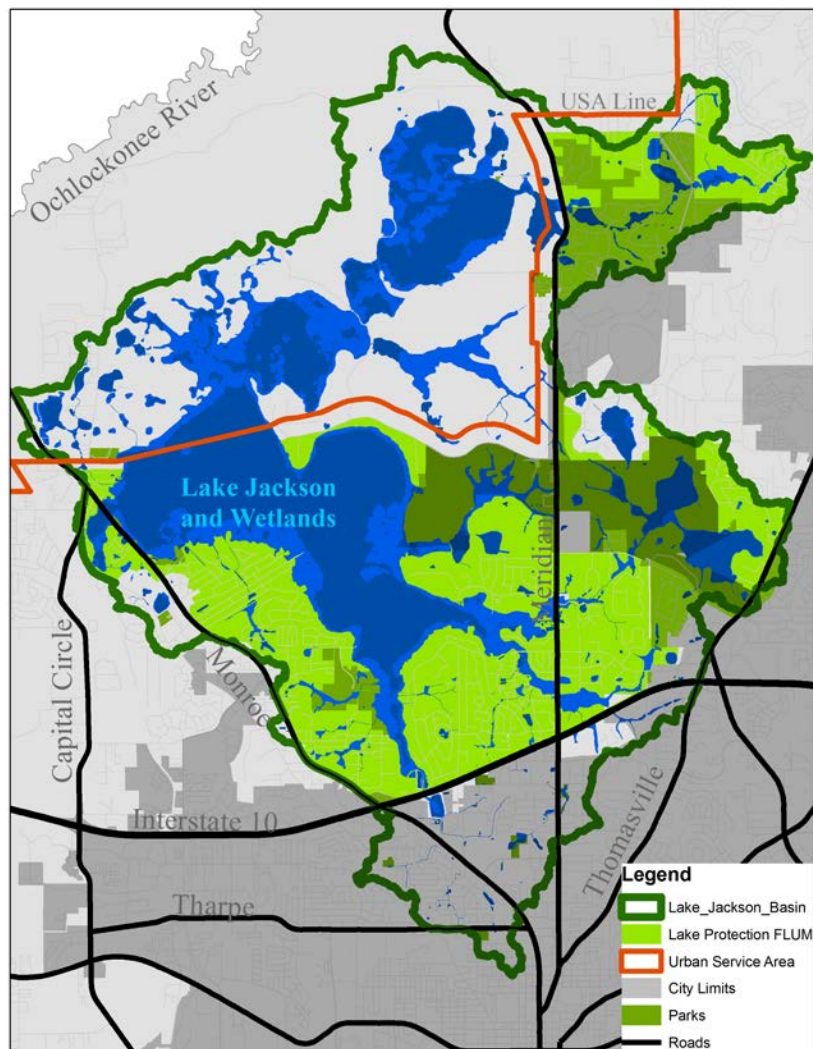
Implementation” have been used to provide a response to Board direction to promote sustainable development in Lake Protection.

2. What is the Lake Protection Zone?

In this report two different areas are used to discuss Lake Jackson. First is the Lake Protection Future Land Use Map category, as mapped and defined in the Tallahassee-Leon County Comprehensive Plan. The Lake Protection category is approximately 10,000 acres in size and was established as “a protection category that is specific to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson” (Policy 2.2.18 [L]). The second area utilized to discuss Lake Jackson is the approximately 27,000 acre full drainage basin for Lake Jackson. The full drainage basin is used to discuss items such as total impervious area draining to Lake Jackson and the Lake Protection Future Land Use Map category is used to discuss policy recommendations.

Map of Lake Protection Category and Lake Jackson Drainage Basin

The following map provides a visual display of how the smaller Lake Protection category fits inside the larger Lake Jackson drainage basin. The Lake Protection category excludes the more intensely developed areas south of Interstate-10, predominantly inside the City Limits. The category also excludes a large section of the northwest portion of the drainage basin that is outside the Urban Service Area and not currently intended to be scheduled for urban activity.



3. Current Residential Density and Uses in Lake Protection

The allowable residential density within Lake Protection is intended to limit development within the drainage basin to large-lot residential zoning. At the time, this was considered the best way to protect water bodies from the impacts of development, especially in more rural areas. However, such low-density residential areas are typically automobile-dependent, which requires impervious surface areas such as roads, driveways, and parking areas that generate higher per-capita environmental impacts. Additional impervious areas can be created by the construction of large houses and large fertilized lawns, which can create additional stormwater runoff.

The existing land use pattern within the area designated Lake Protection in the Comprehensive Plan is dominated (in order of acreage) by residential, open space, and vacant lands (Table 1). Only 1.5 percent of Lake Protection is developed with office, retail, and multi-family.

Lake Protection Existing Land Use Data

| 2012 Existing Land Use | Count | Acreage | Percent |
|---|--------------|----------------|----------------|
| Single Family Detached/Mobile Home | 5400 | 4442.1 | 42.6% |
| Open Space Recreation/Parks* | 32 | 2076.0 | 19.9% |
| Vacant | 665 | 1716.9 | 16.5% |
| Large lot w/ residence** | 28 | 933.6 | 8.9% |
| Open Space Common Areas | 60 | 505.7 | 4.8% |
| Open Space Resource Protection | 75 | 197.2 | 1.9% |
| School* | 2 | 118.4 | 1.1% |
| Transportation/Communications/Utilities | 24 | 100.3 | 1.0% |
| Religious/Non-profit | 23 | 78.9 | 0.8% |
| Office | 82 | 56.0 | 0.5% |
| Retail | 28 | 55.5 | 0.5% |
| Multi-Family | 17 | 53.2 | 0.5% |
| Single Family Attached | 281 | 35.8 | 0.3% |
| Two-Family Dwelling | 52 | 21.6 | 0.2% |
| Government Operation* | 3 | 13.4 | 0.1% |
| Warehouse | 12 | 11.7 | 0.1% |
| Open Space Undesignated | 8 | 9.5 | 0.1% |
| Motel/Hospital/Clinic | 4 | 6.5 | 0.1% |
| TOTAL | 6796 | 10432 | 100.0% |
| Water surface in LP area† | 44 | 3197.5 | NA |

* Also includes acreage in GO, EF, OS categories inside basin area.

** Separate from Vacant.

† Includes portion of Lake Jackson inside LP; also Lake Hall, Lake Overstreet, Little Lake Jackson, Pints Pond, Spring Pond.

Based on the existing land use data, it is clear that Policy 2.2.18[L] has met its intention of creating a low-density, large-lot suburban residential pattern for most the developed areas in the Lake Protection category. However, approximately 25 percent of the Lake Protection area is currently either vacant or has potential for redevelopment at a higher density.

The Lake Protection policy allows for one residential unit per two acres. The existing net residential density (residential units / residential acres) is slightly more than one residential unit per one acre. This higher density (twice the allowed amount) is the result of smaller lot development that occurred prior to adoption of the Lake Protection policy.

In contrast, the Comprehensive Plan calls for an Urban Service Area average of no less than two residential units per one acre, which is four times the allowed density in Lake Protection. However, the current Lake Protection policy does not support the larger goal of more compact development in the Urban Service Area.

Given that all of the Lake Protection designated lands are within the Urban Services Area it is logical to consider targeted areas for higher density residential and the inclusion of office and commercial uses. Nevertheless, in order to avoid impacting the water quality of Lake Jackson any further, any significant increases in impervious surface, particularly within more intensely developed sub-basins, must be limited and/or mitigated. Mitigation measure may include offsetting water quality improvements from existing impervious areas, new or strict enforcement of existing development requirements that may require additional buffers, additional or alternative treatment of stormwater and wastewater to reduce nutrients, or other measures such as retrofitting of existing areas and redevelopment incentives that focus on stormwater quality treatment.

In sum, the existing homogenous, large-lot development patterns within Lake Protection tend to be automobile dependent, consume significant quantities of land, and require significant impervious areas on a per-capita basis. Additionally, the constraint upon non-residential uses in Lake Protection, that market forces would tend to foster at nodes consisting of major intersections, forces this development to areas farther away and reachable only by automobile.

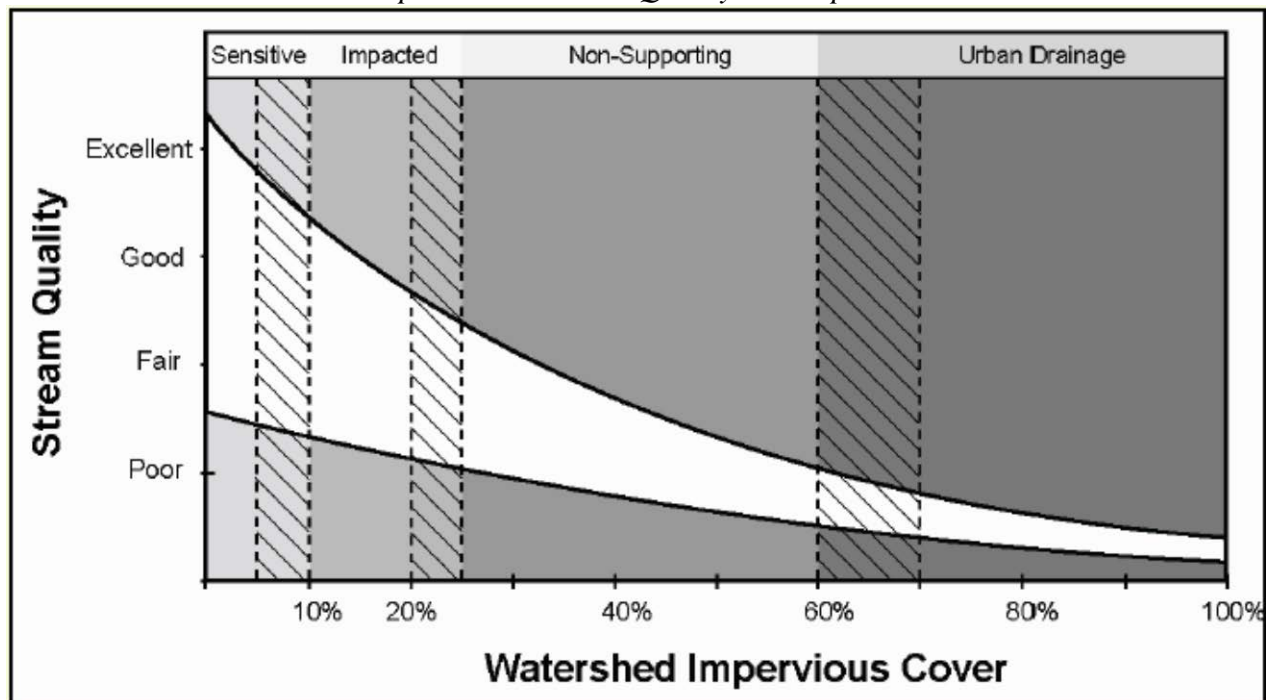
Given these issues, it is rational to consider new methods to allow for a more sustainable development pattern in this area that also protects the water quality of Lake Jackson. Targeting areas based on Smart Growth principles are intended to help support larger goals for a compact community that preserves green space and rural lands further from the urban core.

4. Impervious Area as a Predictor of Stream Health

Impervious areas are structures such as pavements and buildings that do not allow rainwater to pass through into the ground. Impervious areas increase the speed and amount of stormwater runoff resulting in impacts to streams. There is a body of research that has established a relationship between the amount of impervious area in a watershed and the receiving stream quality. While stream quality may vary based on other factors, such as forest cover, agriculture and road density, there is general agreement that watersheds with impervious areas from 10% to 20% will show clear signs of declining stream health. Staff will continue to utilize this information to help guide recommendations on the scale of any development regulation changes based on Smart Growth principles.

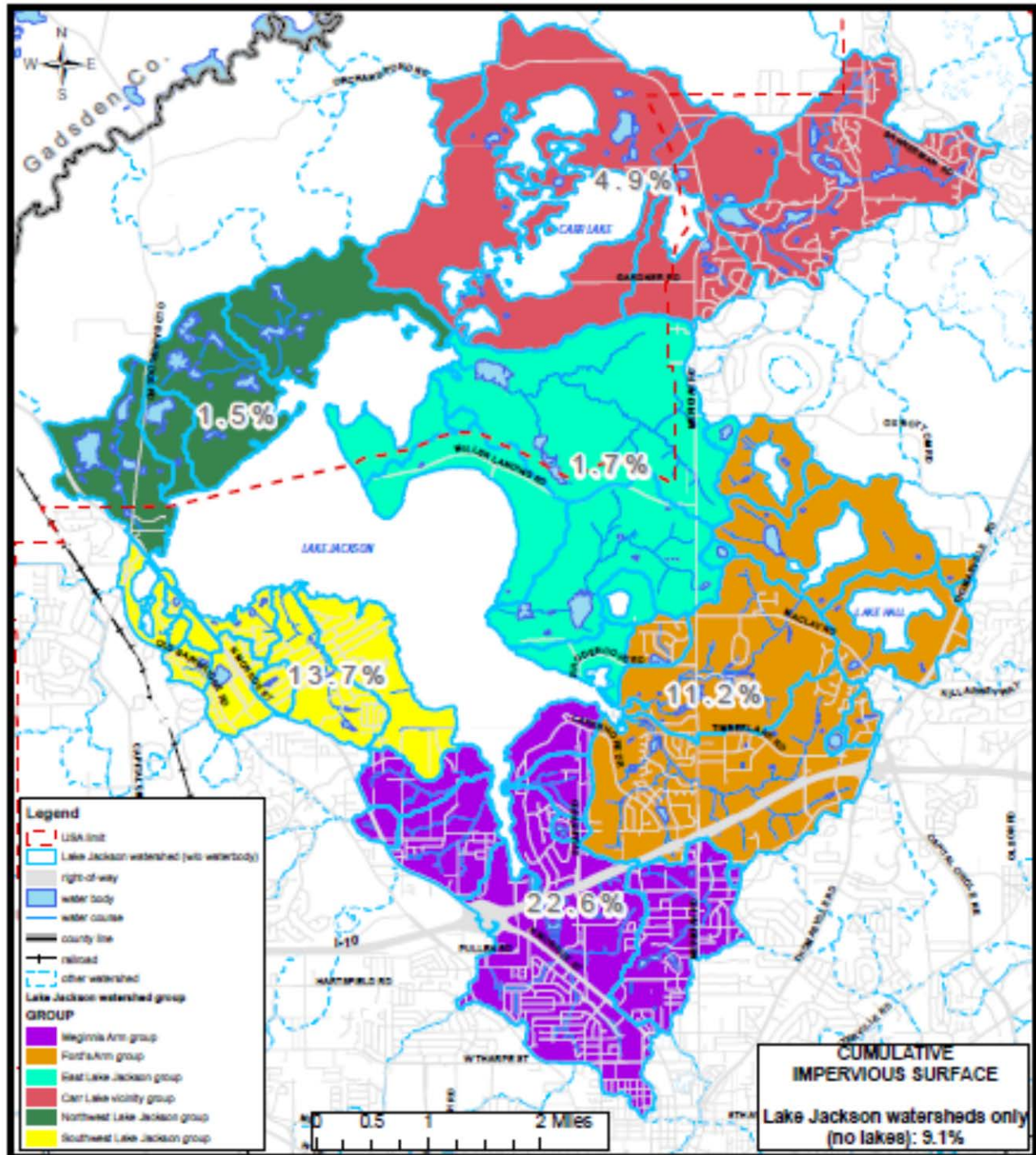
This chart from the June 2013 U.S. Environmental Protection Agency report “Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Quality” depicts the relationship between stream quality and watershed impervious area. The white cone represents the variability in the response of streams to different levels of impervious area (higher variability in watersheds with a small percentage of impervious area). As the percentage of impervious cover in a watershed increases, stream quality declines. The hatched areas indicate that the transition point between stream quality classes is not a precise percentage or break point (originally published in 2009 by Schueler, Fraley-McNeal, and Capiella, American Society of Civil Engineers).

Relationship Between Stream Quality and Impervious Area



The following map provides the percent impervious area in six sub-regions on the Lake Jackson drainage basin. The impervious area in these sub-regions ranges from 1.5% to 22.6%, with the full Lake Jackson basin containing 9.1% impervious area. The higher percentages of impervious area occur south of Interstate-10 in the areas excluded from the Lake Protection category. The lowest impervious areas occur in the northern portions of the basin that are outside of the Urban Service Area.

Impervious surface in Lake Jackson drainage basin by watershed groups, percentage covered with impervious surface, 2012

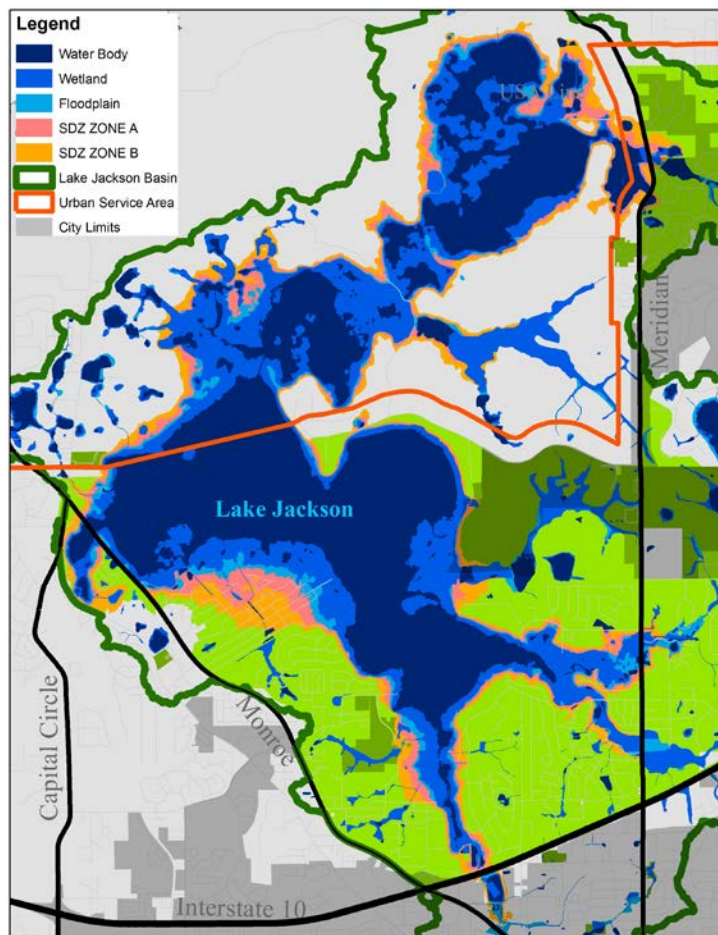


5. Lake Jackson Special Development Zones

Special Development Zones are buffer areas beyond the wetlands and floodplains that surround Lake Jackson. The Zones are established by Policy 2.2.12 [C] of the Comprehensive Plan to help protect water quality by controlling the amount of land that may be disturbed. The following map demonstrates the relationship between the lake, wetlands, floodplain, and Special Development Zones. Zone A includes all lands below 100 feet in elevation (National Geodetic Vertical Datum) and allows for disturbance of up to 5% or 4,000 square feet of a property. Zone B includes all lands between 100 and 110 feet in elevation and requires that 50% of a site must be left natural.

Map of Special Development Zones

In 2009 the Board approved a Comprehensive Plan amendment to protect legal development that occurred in these areas prior to establishment of the Special Development Zones. The new policy allows for repair, maintenance, remodeling, or reconstruction of structures within their existing footprint and a 20% expansion of government owned public facilities. The 20% expansion provision allowed for a needed expansion at Canopy Oaks School. During the amendment process staff also recommended inclusion of an 800 square-foot expansion provision for private development that met specified eligibility criteria and followed expansion standards to protect the environment. The State Land Planning Agency (then the Department of Community Affairs, now the Department of Economic Opportunity) objected to the 800 square-foot expansion portion of the amendment.



On October 13, 2009 the Board unanimously passed a motion to strike the 800 square-foot expansion provision, but to move forward with the original intent of the amendment dealing specifically with Canopy Oaks School.

As the Board previously provided direction to strike the 800 square-foot expansion provision, staff is not making a recommendation to re-initiate this project. However, the information has been provided for background information on previous policy direction and the project could be re-initiated if the Board wishes to provide such direction.

6. Staff Recommendations and Implementation Phases

The following twelve recommendations (A through L) have been developed by staff to express and be consistent with one or more Smart Growth principles. In the description of each concept, staff has provided information on their potential implementation, and listed the Smart Growth principles furthered by the recommendation. Information on potential phasing of the recommendations is included at the end of the section.

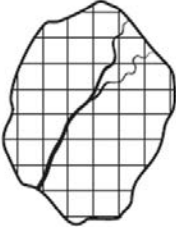
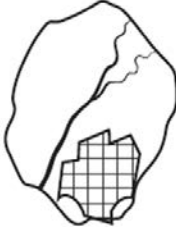

Recommendation #A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.

This recommendation is primarily based on the Smart Growth principle of allowing mixed land uses to create more vibrant, diverse, and walkable communities. The provision of active living opportunities, where residents and visitors can easily and regularly walk or bicycle to everyday destinations, supports healthy movement and can lower health care costs. Local areas like Midtown and Market Square have a mix of commercial, office, and residential uses, and are arguably some of the most attractive areas to shop, live, and invest in locally.

Development concentrated into geographic nodes is a planning tool which is gaining popularity both locally and elsewhere. The concept involves allowing higher development rights around major intersections rather than along commercial strips that stretch miles down either side of roads. Such nodes, through concentrating commercial, office, and higher density residential uses tied together with sidewalks and bicycle lanes and paths can help reduce automobile trips, decrease the need for widened roadways to accommodate these trips, and provide convenient and attractive walking and bicycling connections to adjacent or nearby residential areas.

The 2006 U.S. Environmental Protection Agency report “Protecting Water Resources with Higher-Density Development” focuses on the idea that more compact development can help save more land to protect water resources. The following graphic from the report demonstrates how the same number of homes can be accommodated in less land area when the land per home is reduced. The graphic is simplified to help illustrate the concept. Staff recognizes that the Lake Jackson basin is complex and that significant development already exists in the basin. However, this concept can still be utilized in new policies to guide future development toward designated nodes.

Protecting Water Resources with Higher-Density Development

| Scenario A | Scenario B | Scenario C |
|---|---|---|
|  |  |  |
| <p>10,000 houses on 10,000 acres at a density of 1 house per acre consume 1 entire watershed.</p> | <p>10,000 houses on 2,500 acres at a density of 4 houses per acre consume ¼ of 1 watershed.</p> | <p>10,000 houses on 1,250 acres at a density of 8 houses per acre consume ⅛ of 1 watershed.</p> |

An emerging urban node (the Lake Jackson Town Center) has been identified by the County at the intersection of U.S. Hwy 27 North and Fred George Road. As part of this recognition, the County in turn constructed the new Lake Jackson Branch Library, and supports the Sense of Place planning initiative for this area. This support includes \$100,000 approved by the Board at its regular June 18 meeting to implement the plan for the Lake Jackson Town Center Sense of Place Initiative. The funding for this project is currently available in the Fiscal Year 2014 budget.

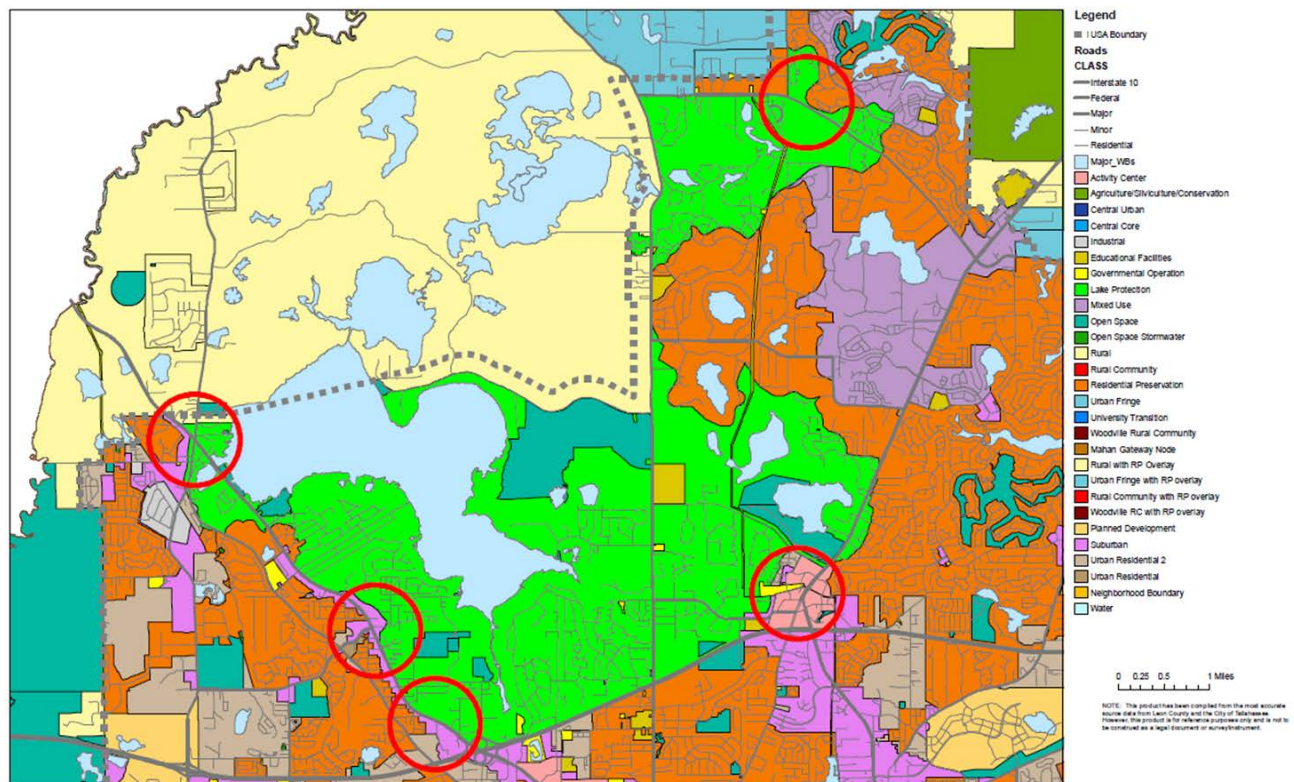
Other local examples include the Mahan Gateway Nodes as identified on the Comprehensive Plan’s Future Land Use Map. These nodes were created based on community concerns that the recently widened Mahan Drive would eventually become lined with a strip of commercial uses similar to West Tennessee Street or Apalachee Parkway.

Land uses are significantly limited in Lake Protection. The incorporated area of Lake Protection (within the City Limits) does not presently allow non-residential uses. The unincorporated area allows some non-residential uses (minor office and minor commercial), but only within a Planned Unit Development process that requires Board approval.

The establishment of nodal areas by the application of a new zoning district could be allowed at identified intersections of major roadways similar to that established along Mahan Drive between Capital Circle and Interstate – 10. Potential locations are identified on the following map with ¼ mile radius circles and may include U.S. Hwy 27 and Capital Circle Northwest, U.S. Hwy 27

and Fred George Road, U.S. Hwy 27 and Sessions Road, the Market Square area, and the intersection of Bannerman and Bull Headley roads.

Potential Lake Protection Node Areas



This new zoning district would specify permitted uses, and urban design and other development standards, including current Lake Protection stormwater standards and requirements and perhaps a cap on total acres in the Lake Jackson Basin that can be placed in the new district. Properties that could be considered for rezoning to new Lake Protection Node would include non-conforming uses, vacant properties whose highest and best use may be commercial or office to serve the surrounding residential areas, and other properties suitable for higher density housing. The extent of these nodal areas would ideally be within a radius of ¼ mile of a main intersection, which is a five-minute walk for most people.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

Recommendation #B: Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.

This recommendation is primarily based on the Smart Growth principle of fostering distinctive, attractive communities with a strong sense of place.

The Planning Department, with strong community input, has developed several “placemaking” initiatives located at existing and emerging urban nodes, including the Market District area near Thomasville Road and Timberlane Road, the Lake Jackson Town Center near the intersection of U.S. Highway 27 North and Fred George Road, South Monroe Street, Midtown and Downtown. While these efforts have not been regulatory in nature, they have identified several proposed and ongoing infrastructure improvements and other public and private investments. Several recent Future Land Use map and associated zoning changes have been conducted in one or more of these areas in order to allow additional development and redevelopment. Over a period of time the ongoing “Sense of Place” planning process could be applied to one or more nodal areas within Lake Protection.

Locational and site design standards can guide the development and redevelopment of potential nodal areas into distinctive, attractive, walkable areas with a strong sense of place. By focusing the growth pressure into relatively smaller areas with stringent stormwater treatment standards, those standards can also protect the water quality and habitat values of Lake Jackson. The new standards would be incorporated into the new Lake Protection Node zoning district with concepts similar to the existing Mahan Corridor Node Zoning District and the Mobility District.

This recommendation is also consistent with the following Smart Growth principles:

- Compact building design
- Walkable neighborhoods
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective

Recommendation #C: Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.

This recommendation is based on the Smart Growth principles of strengthening and directing development towards existing communities, mixing land uses, and making development decisions predictable, fair, and cost effective. Incentivizing building and rebuilding within existing developed areas reduces pressures for development of greenfields located away from already established areas, and can reduce the cost of infrastructure.

There are a number of non-conforming land uses throughout the Lake Protection district. Office and retail uses are the most common non-conforming use. A recent land use change from Lake Protection to Suburban for ten acres in the Market District area addressed an existing non-

conformity for 34 parcels. In implementing recommendation #A to develop a Lake Protection Node category, staff would seek to address many of the non-conforming uses by proposing their rezoning to Lake Protection Node. Non-conforming uses located outside of logical node areas would need to be evaluated for other possible treatments to protect owner investments or transition the use to conform to Lake Protection. Some options may include certificates to document legally established uses, requiring Planned Unit Developments, policy changes to allow specific uses within conditions, or required phase-out of the non-conforming use.

Recommendation #D: Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.

This recommendation is based on the Smart Growth principles of compact building design, walkable neighborhoods, preserving open space, farmland, natural beauty, and critical environmental areas, and making development decisions predictable, fair, and cost effective.

Compact building design not only means allowing smaller buildings on a given parcel or lot, but reducing lot sizes, and allowing taller buildings. Compact building design can result in more walkable, diverse communities that also preserve open space, farmland, natural beauty, and critical environmental areas.

The Lake Protection land use category in the Comprehensive Plan (Policy 2.2.18 in the Land Use Element) currently specifies a base density of one residential unit per two-acres (~2 acre lot size). This large lot size was used partly based on the idea that lower-density housing equals less impervious surface. However, in practice, large lot sizes often result in large quantities of land being cleared, affecting runoff and natural habitat, and also require extensive support infrastructure due to the distance between homes.

To address this issue and to give landowners and developers some additional alternatives, two cluster options are presently provided for in Policy 2.2.18 [L]. A cluster option is available within the incorporated area that allows a residential density of one unit per gross acre if the resultant development clusters the units on 25% of the property, and maintains the remaining 75% in natural open space.

The cluster option in the unincorporated area of the Lake Protection category allows the development of 40% of the site at a net density of two units per acre on the developed portion of the property. The remaining 60% of the property must remain in natural open space. The minimum lot size under this cluster option is 1/2 acre. There are present only two such cluster subdivisions that have been built in the unincorporated area of Lake Protection.

Staff was unable to identify a currently applicable rationale for two different cluster options given that sewer is available in a significant portion of the vacant, developable land area within Lake Protection, and these areas are all located within the Urban Service Area.

Recommendation #E: Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.

This recommendation is based on the Smart Growth principles of compact building design, walkable neighborhoods, and making development decisions predictable, fair, and cost effective.

The environmental issues associated with smaller lot sizes on septic tanks were a factor in the creation of the 1/2 acre minimum lot size in Lake Protection (and the one-acre minimum lot size within the Lake Jackson SDZ). Several older residential areas were previously allowed to be developed on septic tanks, and many of these areas have lots smaller than 1/2 acres. However, Policy 2.2.18[L] does not address sewer availability, nor are there any incentives or options within this policy for reducing lot size below 1/2 acre when sewer is available.

Recommendation #F: Direct staff to review the existing exemption for sidewalks in Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.

This recommendation is based on the Smart Growth principles of walkable neighborhoods, compact building design, sense of place, and providing a variety of transportation choices. The benefits of walkability include the ability to age in place, lowered transportation costs, improved personal health and fitness, and expanded choices on how to get around.

Walkability is more than just sidewalks, but they are fundamental to being able to walk to a destination within urban areas. At present, Section 10-7.529(3)f of the County's Land Development Code exempts sidewalks in new residential developments within the Lake Protection zoning district. With some limited exceptions, much of the older development patterns within the Lake Protection district are not very walkable. Both the City and the County are retrofitting certain areas of the urban area with sidewalks where feasible and affordable. These include proposed sidewalks within the Lake Protection district along Maclay and Timberlane roads. The recently updated City/County Greenways Master Plan also proposes several multiuse trails that have the strong potential to improve pedestrian and bicycle connectivity in areas of the Lake Protection district. However, true walkability also requires more mixed use developments with good pedestrian design.

Two land use map and zoning changes were recently made based on the urban node concept, including a change of land use from Residential Preservation to Urban Residential for 15 acres at the intersection of Fred George Road and Old Bainbridge Road, and a change of land use from Lake Protection to Suburban for a previously developed 10-acre area on the north side of Timberlane Road immediately east of Timberland School Road. Such changes are important steps in providing a sufficient number of residents and services in those emerging activity nodes to foster walkability.

The recommended nodal development concept can help create walkable areas by concentrating development in and around nodes and other developed areas, while protecting more

environmentally sensitive areas from development. The Lake Jackson Town Center and the Market Square areas are urban nodes that are becoming more walkable by the installation of new sidewalks and other pedestrian infrastructure, as well as additional public investments and new development.

Staff will seek to address design related concepts of walkability in Recommendation #B. In this recommendation to review the existing sidewalk exemption in Lake Protection, staff will evaluate the potential use of locational standards such as proximity to a designated node, potential connection to existing or proposed sidewalks or greenways, and sewer availability to determine when sidewalks would be required. Options may include retaining the exemption for isolated residential areas with little or no walkability potential.

Recommendation G: Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.

This recommendation is based on the Smart Growth principles of walkable neighborhoods, creating a sense of place, directing development towards existing communities, and providing a variety of transportation choices.

These sense of place planning initiatives are located in two areas recommended for consideration as Lake Protection nodes. These initiatives are intended to identify proposed and ongoing infrastructure improvements and other public and private investments, and to help “brand” these areas as destinations. The continuation of these projects not only will benefit property owners, residents, and visitors to these areas, but may also provide a model that can be applied to other nodal areas within Lake Protection.

Recommendation #H: Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.

This recommendation is based on the Smart Growth principle of preserving open space, farmland, natural beauty, and critical environmental areas.

Preservation of open space, farmland, and critical environmental areas has been a community value in Leon County for decades. The Greenways Program has acquired approximately 7,500 acres of land countywide since the early 1990s. Several environmental land acquisition projects have been completed within the Lake Protection district during this time, including Okecheepkee Prairie, Jackson View, the Elinor Klapp-Phipps Greenway, the Overstreet greenway addition to Maclay Gardens State Park, and the Timberlane Ravine Greenway.

Within the Lake Protection district, approximately 27 percent of the existing land use is open space protected as parks, greenways, or other common areas. Additionally, Meridian Road is a canopy road with 100 feet on each side protected by local land development code.

Accurately reflecting the protected status of park lands as Open Space on the Future Land Use Map is another practice that aids in planning and provides for a public process prior to any future

change of the use. Currently the Overstreet land acquisition to Maclay Gardens State Park is not accurately represented on the Future Land Use Map as Open Space.

Recommendation #I: Maintain the existing Urban Service Area boundary line to promote infill and nodal development.

This recommendation is based on the following Smart Growth principles:

- Mix land uses
- Compact building design
- Range of housing opportunities and choices
- Walkable neighborhoods
- Sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Direct development towards existing communities
- Variety of transportation choices
- Make development decisions predictable, fair, and cost effective.

Guiding development through the provision of urban services is an established planning principle that has been locally utilized for more than two decades. The intent of the urban service area is to support development and redevelopment in areas where urban services already exist, and in turn, minimize the costs of extending services far from existing developed areas.

The existing Urban Service Area is a critical tool for strengthening and directing development towards the existing community of Leon County and Tallahassee. The Urban Service Area boundary delineates within the Lake Jackson drainage basin a large area of Rural land that helps protect water quality flowing into Lake Jackson and several connected waterbodies. This area is also home to a growing number of organic farms and community gardens.

Urban growth boundaries also help areas of concentrated, mixed development succeed by limiting the ability of cheaper undeveloped land nearby to be developed into single use developments.

Recommendation #J: Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan.

This recommendation is based on the following Smart Growth principles:

- Walkable neighborhoods
- Sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Variety of transportation choices

Providing a variety of transportation choices is a vital component of sustainable development. These should include mass transit, bicycling, and walking. Automobiles will continue to be a

major transportation mode for longer trips. Nevertheless, mix of uses and improved connectivity makes walking and bicycling more realistic transportation options because destinations can be placed at closer distances, and more direct routes can allow pedestrians to reach a given destination.

The Tallahassee – Leon County Greenways Master Plan includes trail recommendations intended to connect existing residential and other areas to greenways, parks, and other destinations. Funding the proposed trail projects in this Plan will provide additional mobility options, particularly to and from proposed nodal areas.

Recommendation #K: Direct County staff to continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.

This recommendation is based on the Smart Growth principle of making development decisions predictable, fair, and cost effective.

Leon County’s Department of Development Services and Environmental Management has made significant progress on reducing proposed project review and permitting timelines. Continuing such efforts, specifically for projects that adhere to Smart Growth principles, is a cost effective way to help shape growth.

Recommendation #L: Direct staff to include community and stakeholder collaboration in the development of policy changes related to recommendations in this report.

This recommendation is based on the Smart Growth principle of encouraging community and stakeholder collaboration in development.

Allowing more and/or different kinds of growth within Lake Protection, even confined to nodal areas, will likely be controversial among some residents, landowners, and developers, as well as environmental advocates for the Lake. However, this kind of development is increasingly attractive to growing numbers of homebuyers and renters who prefer to live in walkable mixed-use communities.

In order for the principles of smart growth to be acceptable, it is critical that residents, landowners, developers, and other stakeholders, have the opportunity to develop a common understanding of the concepts presented within this agenda item. Therefore, stakeholder collaboration will be an important part of evaluating and shaping any policy changes that are developed.

Review of Recommended Actions

- Recommendation #A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.
- Recommendation #B: Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.
- Recommendation #C: Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.
- Recommendation #D: Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.
- Recommendation #E: Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.
- Recommendation #F: Direct staff to review the existing exemption for sidewalks in Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.
- Recommendation #G: Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.
- Recommendation #H: Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.
- Recommendation #I: Maintain the existing Urban Service Area boundary line to promote infill and nodal development.
- Recommendation #J: Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan.
- Recommendation #K: Direct County staff to continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.
- Recommendation #L: Direct staff to include community and stakeholder collaboration in the development of policy changes related to recommendations in this report.

Proposed Phasing of Recommended Actions

Given the size and complexity of the recommended project concepts, staff recommends the following workplan and schedule for implementation:

Phase I (Ongoing Efforts)

- Recommendation #G: Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.
- Recommendation #I: Maintain the existing Urban Service Area boundary line to promote infill and nodal development.
- Recommendation #J: Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan
- Recommendation #K: Continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.

Phase II (2014-1 Comprehensive Plan Amendment Cycle)

- Recommendation #E: Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.
- Recommendation #H: Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.

Phase III (Code and Policy Work in 2014)

- Recommendation #F: Direct staff to review the existing exemption for sidewalks in Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.
- Recommendation #B: Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.
- Recommendation #C: Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.

Phase IV (2015-1 Comprehensive Plan Amendment Cycle)

- Recommendation #A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.
- Recommendation #D: Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.

Options:

1. Accept staff recommendations A through L and the recommended implementation phases.
2. Accept staff recommendations A through L, the recommended implementation phases, and provide direction for re-initiation of an amendment to allow for limited expansion of existing legally established private development in the Special Development Zones.
3. Accept only selected staff recommendations.
4. Board direction.

Recommendation:

Option # 1

Attachments:

1. Lake Jackson History and Institutional Responses to Environmental Impacts
2. Why Communities Select Smart Growth

VSL/WT/CB/BW/SH

Background Information for the Workshop on the Board Strategic Priority to Develop Solutions to Promote Sustainable Growth Inside the Lake Protection Zone - November 19, 2013

Lake Jackson History

The Lake Jackson, Carr Lake, and Mallard Pond ecosystem is a valuable biological, aesthetic and recreational resource of Leon County and the State of Florida. The expansive freshwater marshes and native submerged vegetation provide exceptional fish, waterfowl and wading bird habitat. Lake Jackson has been internationally known for sport fishing and its trophy largemouth bass. In addition, the lake historically has generated several million dollars annually for the Tallahassee and Leon County area.

Lake Jackson is a disappearing lake that drains periodically into the Florida Aquifer through one or more sinkholes, including Porter Sink, which are usually open to the aquifer below and slowly but continuously drain the lake. As long as the balance of water entering the lake from streams, seeps, and sheet flow runoff exceeds the amount draining into the sink and into the aquifer, the water level of the lake is relatively stable. During drought conditions, however, the lake level may drop, and even completely drain.

Over the past three decades, the water quality and ecological condition of Lake Jackson has been impacted by nonpoint source pollution. Prior to 1990, several large subdivisions with small or medium sized lots were created adjacent to the lake north of Interstate-10. These subdivisions were served by septic tanks, and did not include stormwater facilities to treat runoff. The area south of Lake Jackson had also been developed much more intensely, with a mix of commercial, office, residential, and other land uses. This urban and suburban growth within the watershed allowed sediment, fertilizer, wastes, pesticides, herbicides, heavy metals, oil, gasoline and other pollutants to be carried into Lake Jackson by stormwater runoff. In turn, the growth of nuisance plants such as Hydrilla, blue-green algae, and water hyacinth, increased. As these plants proliferated, died and decomposed, a thick layer of organic muck built up in the bottom of the southern portion of the lake, covering the lake's sandy bottom and destroying fish breeding areas. In some locations, the muck was as deep as three feet. Nutrient cycling between the sediment, the vegetation, and the water column resulted in dramatic ecological changes in the southern portion of the lake and a few other areas.

Another significant impact to the lake's water quality came from the construction of Interstate-10. In the early 1970s, Interstate-10 was constructed across northern Florida, traversing the Lake Jackson watershed and contributing large amounts of fine sediments into the lake.

Institutional Responses to Lake Jackson Impacts

State of Florida Responses

In response to the environmental impacts to this significant natural resource, in 1974 the State of Florida designated the Lake Jackson ecosystem as an Aquatic Preserve for the primary purpose of preserving and maintaining the biological resources in their essentially natural condition. It is

the only freshwater lake that is an aquatic preserve in Florida. Chapters 258 and 253, Florida Statutes (F.S) provide the management authority for the Lake Jackson Aquatic Preserve. Chapter 73-534, Laws of Florida, establishes the Lake Jackson Aquatic Preserve and defines the basic management principles. Chapters 18-20 and 18-21, F.A.C. are the two administrative rules directly applicable to the uses of aquatic preserves specifically, and submerged lands in general. The Lake Jackson Aquatic Preserve Management Plan was adopted July 23, 1991, and is currently being updated by the Florida Department of Environmental Protection (DEP). Tallahassee – Leon County Planning Department and Development Support and Environmental Management staff are participating in this planning process through a stakeholder committee.

In addition to being an aquatic preserve, Lake Jackson was designated by the Florida Legislature as a Surface Water Improvement and Management (SWIM) water body, and by DEP as an Outstanding Florida Water (OFW). Section 403.061(27), Florida Statutes, grants DEP the power to establish rules that provide for a special category of waterbodies within the state, to be referred to as “Outstanding Florida Waters,” which shall be worthy of special protection because of their natural attributes. Special protections afforded aquatic preserves include restrictions on dredge and fill, construction of seawalls and other structures and facilities, and the transfer of lands and easements. Management plans are required of aquatic preserves which guide the public use of these waterbodies and their lands, and provide resource protections.

Regional and Local Government Responses

As the ecological health of the lake declined throughout the 1970s, 1980s, and 1990s, the Northwest Florida Water Management District (NFWFMD), other state agencies, Leon County and the City of Tallahassee, through the state’s SWIM program, created and implemented a series of solutions. In 1983, NFWFMD, with federal and state funding, constructed an experimental stormwater treatment facility near Interstate-10 to treat runoff from the southern portion of the watershed, which is characterized by a mix of residential, office, commercial, and other intense land uses. Another facility was constructed on the opposite side of Interstate-10 to treat even more of this runoff as it entered McGinniss Arm. Leon County and the City of Tallahassee, in cooperation with other governmental entities, have constructed at least five regional stormwater treatment facilities, and will construct one or more planned facilities such as the Lexington Road pond adjacent to Meridian Road.

Perhaps the most significant SWIM project conducted to date was the removal of accumulated nutrient-rich sediment and muck from the bottom of Lake Jackson. In 1999, after the lake drained completely, nearly 400,000 cubic yards of muck were removed from Meginniss and Fords arms during Phase I. From January 2000 to March 2001, approximately 1.6 million cubic yards of sediment were removed during Phase II from areas farther out into the southern portion of the lake as well as from some additional areas near the northern and western shores. This restoration project, along with new stormwater facilities and other activities, has significantly improved the water quality and ecological functions of the lake.

Other responses to the degradation of Lake Jackson include the continuing retrofitting of the Lake’s drainage system from urban areas by the construction of regional stormwater facilities

such as the Lexington Road pond. This project is currently being designed by the County's Public Works Department.

In addition to specific stormwater facilities and lake restoration projects, local government has also responded by developing policies addressing Lake Jackson in the Comprehensive Plan and local land development codes.

The primary goal of land use and stormwater mitigation planning at the local government level within the Lake Jackson watershed is the protection of the lake from stormwater runoff pollution. To that end, Policy 2.2.18 established the Lake Protection (LP) land use category in the Land Use Element of the Comprehensive Plan.. This category was developed in the early 1990s in response to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson. It includes the lake basin boundary adjusted to include contributing watersheds but excluding existing, more intensely developed areas south of Interstate 10.

Furthermore, Policy 2.2.12 in the Conservation Element establishes the Lake Jackson Special Development Zone (SDZ). Section 10-4.323 of the Leon County Land Development Regulations establishes in detail the boundary, designation, restrictions, and limitations within the Lake Jackson SDZ.

Finally, Objective 2.3 and Policies 2.3.1 through 2.3.5 in the Conservation Element address Lake Jackson by limiting on-site sewage disposal systems, lot sizes for residential developments on septic tanks, creating natural vegetation zones around the lake, and retrofitting developed areas in the Lake Jackson basin that do not meet the stormwater standards required by the Comprehensive Plan and implementing land development codes.

WHY SMART GROWTH?

Health, schools, taxes, traffic, the environment, economic growth, fairness, opportunity—many of the things we care about—are all affected by development decisions. From the length of our daily commute to the price of a new home to the safety of our neighborhoods—what, where, and how we build have major impacts on our personal lives, our communities, and our nation.

Growth presents a tremendous opportunity for progress. Communities around the country are looking for ways to get the most out of new development and to maximize their investments. Frustrated by development that requires residents to drive long distances between jobs and homes, many communities are challenging rules that make it impossible to put workplaces, homes, and services closer together. Many communities are questioning the fiscal wisdom of neglecting existing infrastructure while expanding new sewers, roads, and services into the fringe. And in many communities where development has improved daily life, the economy, and the environment, smart growth principles have been key to that success.

Growth is "smart" when it gives us great communities, with more choices and personal freedom, good return on public investment, greater opportunity across the community, a thriving natural environment, and a legacy we can be proud to leave our children and grandchildren.

When communities choose smart growth strategies, they can create new neighborhoods and maintain existing ones that are attractive, convenient, safe, and healthy. They can foster design that encourages social, civic, and physical activity. They can protect the environment while stimulating economic growth. Most of all, we can create more choices for residents, workers, visitors, children, families, single people, and older adults—choices in where to live, how to get around, and how to interact with the people around them. When communities do this kind of planning, they preserve the best of their past while creating a bright future for generations to come.

Adapted from the PDF "[This is Smart Growth](#)," published by ICMA and EPA in 2006.

<http://www.smartgrowth.org/why.php>

Lake Jackson Water Quality Treatment Standard

Existing LDR Text:

10-4.301(4) *Additional stormwater retention standards for the Lake Jackson Drainage Basin.*

Non-single-family residential uses which are approved for development (as specified in the comprehensive plan) subsequent to March 15, 1992, shall retain post-development stormwater on-site for all storm events up to and including the 50-year 24-hour duration storm. The retained volume shall be recovered in accordance with subsection (3)(b) above.

Proposed Comp Plan and LDR Text:

Additional stormwater retention standards for the Lake Jackson Drainage Basin.

(i) Runoff volumes within the Lake Jackson Basin in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except that if multiple development sites are located within the basin, the excess volume may be discharged from individual sites to an approved regional retention facility located within the basin. Recovery of the retention volume shall comply with one of the following:

Option (1): One-half the required pond volume shall be recovered within seven days, and the full volume shall be recovered within 30 days.

Option (2): On the basis of a subsurface geotechnical analysis demonstrate the functionality of the retention facility through a continuous hydrologic simulation. The analysis shall clearly demonstrate that the increase in runoff volume above the predevelopment condition is retained within the stormwater facility. The continuous hydrologic simulation can be accomplished by developing a stage/storage/infiltration relationship based on the proposed retention facility configuration and reported design infiltration rate. This relationship can be used to model the retention facility over an extended period of rainfall.

(ii) Stormwater treatment for all proposed Redevelopment within the Lake Jackson Basin shall be achieved via volume control in accordance with subsection (4)(i) above, with a **50%** credit applied towards existing impervious surface (pre-development condition to include **50%** of the existing impervious surface during the pre-post excess runoff calculations).

STATEMENT OF THE LEON COUNTY COUNTY-WIDE WATER RESOURCES CITIZENS ADVISORY COMMITTEE

The Leon County Board of County Commissioners specifically charged the County-Wide Water Resources Citizens Advisory Committee with the responsibility to recommend policies that would strengthen the linkage between water resources and land use. Based on this charge, the Committee reviewed Cycle 2015-1 Proposed Comprehensive Plan Amendment PCT150104 (Sustainable Development in Lake Protection) at its meeting on March 2, 2015, and has the following recommendations:

The Committee voted unanimously on March 2, 2015 to recommend that the Leon County Board of County Commissioners adopt the staff recommendation to approve Amendment PCM150104 with the following stipulations:

- 1. Revise the intent section of the proposed policy change to recognize the continuing State-designated impaired status of Lake Jackson,**
- 2. Revise the proposed policy change to clearly state that the boundary of the Lake Protection area excludes any areas outside the Urban Services Area,**
- 3. Incorporate the proposed specific volume control stormwater standard into the proposed amendment, and**
- 4. Protect existing, residential subdivisions by excluding them from the proposed nodes.**

An additional concern of the Committee is the threat to the water quality and ecosystem of Lake Jackson from excess nutrients associated with increased development. The Committee has the following recommendations:

- 1. Leon County should require new stormwater facilities within the Lake Protection area to incorporate practices and designs to minimize nutrient loading to surface and ground water,**
- 2. Leon County should monitor nutrient levels from these stormwater facilities within the Lake Protection area to ensure that these facilities are treating nutrients as designed, and**
- 3. The Board should consider additional changes to Policy 2.2.18 [L] to address nutrient levels affecting Lake Jackson from development within the Lake Protection policy if the proposed stormwater treatment standard within PCT150104 is found to be inadequate in addressing nutrient loading to Lake Jackson.**

I HEREBY CERTIFY that the above statements were duly approved by the Leon County Countywide Water Resources Citizens Advisory Committee at its meetings on March 2, 2015.



Mr. Robert Scanlon, Chair

Dr. Jim Cavanagh
Dr. Jennifer Cherrier
Mr. John Folks
Mr. Eric Friall
Mr. Lee Killinger
Mr. John Labie
Mr. Robert Scanlon

cc: Leon County Board of County Commissioners
Vincent S. Long, County Administrator

March 9, 2015

SCIENCE ADVISORY COMMENTS ON THE COMPREHENSIVE PLAN TEXT
AMENDMENT #PCT150104

The Science Advisory Committee (SAC) has reviewed the above text amendment for Land Use Element policy 2.2.18 {L} "Lake Protection". The following recommendations are offered for the Board of County Commissioner's consideration:

1. The SAC accepted the proposed volume control regulation presented by staff for land development regulation (LDR) and recommended that the following language also be included in the comprehensive plan: "Runoff volumes within the Lake Jackson Basin in excess of the pre-development runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except that if multiple development sites are located within the basin, the excess volume may be discharged from individual sites to an approved regional retention facility located within the basin."
2. Change to the intent section of the proposed policy to recognize that although the state of Lake Jackson has improved over the past few years the nutrient levels are still high and the Lake is still impaired.
3. Propose continuous monitoring of stormwater ponds built under the new standard to ensure they meet the original design standards.

The SAC is unanimous in these recommendations.

Respectfully submitted on behalf of the SAC,

A handwritten signature in black ink, appearing to read "Vincent Salters", written in a cursive style.

Vincent Salters, SAC Vice-Chairman

Policy 2.2.10: [L] ~~(Effective 12/10/91) (Deletion Effective 5/26/2015)~~

Reserved

~~Cluster of residential development in areas designated for Lake Protection Land Use shall be permitted only on those portions of parcel not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD nor determined to be severely limited by environmental constraints. Such constraints may be determined by on-site environmental analysis, building or soil limitation ratings in the Leon County Soil Survey, or other natural resource inventory determined appropriate by the local government.~~

DRAFT

Attachment #6: PCT150105
Commercial Uses in Rural
Future Land Use Category
Staff Report

| | |
|--|-------------------------------|
| TEXT AMENDMENT#: PCT150105 | |
| APPLICANT: Keep it Rural Coalition | |
| TEXT / POLICY I.D.: Policy 2.2.1 of the Land Use Element | |
| DATE: February 18, 2015 | UPDATED: April 7, 2015 |
| Preliminary Staff Recommendation: Approve Amendment PCT150105 | |

A. SUMMARY:

This proposed policy amendment (see Attachment #1) was initially submitted by the Keep it Rural Coalition (KIRC) and approved for inclusion in the 2015-1 Cycle by the Leon County Board of County Commissioners (Board) at their December 9th, 2014 Board meeting. Per the direction of the Board, staff has utilized the proposed amendment, as submitted by KIRC, to evaluate the appropriateness of commercial uses within the Rural Future Land Use Map (FLUM) category. The proposed changes to the Rural category reflect the overall intent of the Rural category as defined by the comprehensive plan and are consistent with the stated intent of the KIRC text amendment (“protect and enhance the rural areas as an amenity to and supportive of the County and the City of Tallahassee”).

Overall, the proposed amendment:

1. Protects and enhances the Rural area as an amenity to and supportive of the County and the City of Tallahassee;
2. Allows for the development of residential and non-residential uses compatible with agricultural, silvicultural, and other natural resource based activities;
3. Incentivizes development and redevelopment within the Urban Service Area (USA) and Rural Communities by directing more intense residential and non-residential uses to those areas; and,
4. Updates and revises Land Use Element policy 2.2.1 [L] “Rural” to improve readability, remove areas of ambiguity, and defer standards more appropriate for the Land Development Code to that document

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed amendment better clarifies the intent of the Rural category as well as the land uses, densities, and intensities appropriate for the category.

2. The proposed amendment provides a framework and direction for subsequent land development code revisions that further protect and enhance the rural areas.
3. The proposed amendment is consistent with direction provided to the Planning Department by the Leon County Board of County Commissioners at a Board meeting held on December 9, 2014 and previous Board actions related to the protection and enhancement of the Rural areas.
4. The proposed amendment is consistent with the Board of County Commissioners' recently adopted Strategic Initiatives to protect the rural character of our Rural land use category and review and (as appropriate) revise the Land Use Element of the Comprehensive Plan.

C. PROPOSED POLICY CHANGE:

See Attachment #1.

D. APPLICANT'S REASON FOR THE AMENDMENT:

This amendment is intended to implement direction from the Board of County Commissioners at their December 9th, 2014 Board meeting to evaluate the appropriateness of commercial uses on lands designated as Rural and amend the current policies to "protect and enhance the rural areas as an amenity to and supportive of the County and the City of Tallahassee."

E. STAFF ANALYSIS

History of Discussions Regarding Appropriate Commercial Uses in Rural Areas

Over the past year, the Board has had numerous discussions regarding the appropriateness of certain commercial uses within rural areas of the County. Currently, there are 22 commercial use parcels within areas designated as Rural. A Land Development Code (LDC) revision, Ordinance 14-14, adopted on September 2, 2014, included "additional restrictions on all proposed retail trade-related minor commercial land uses in Rural, a limitation on the number of locations where retail trade-related minor commercial uses are allowed in the Rural zoning district, and additional restrictions on all proposed gasoline service stations with or without convenience stores." Subsequent to this action, the Board also approved a LDC revision prohibiting gasoline service stations, fuel oil dealers, and liquefied petroleum gas dealers on all property designated Rural at the December 9, 2014 Board meeting. Based on previous Board actions to date, currently allowable minor commercial uses, excluding gasoline service stations, fuel oil dealers, and liquefied petroleum gas dealers, are permitted only at 26 non-local intersections in Rural areas.

At its regular meeting on January 27, 2015, the Board ratified actions taken at the December 8, 2014 Annual Retreat. These actions included adopting a new strategic initiative within the Board's Strategic Plan to "protect the rural character of our Rural land use category." This new initiative implements the following Strategic Priorities:

Strategic Priority: Quality of Life: To be a provider of essential services in our continuous efforts to make Leon County a place where people are healthy, safe, and connected to their community.

- Support the preservation of strong neighborhoods through appropriate community planning, land use regulations, and high quality provision of services. (Q6)
- Further create connectedness and livability through supporting human scale infrastructure and development, including: enhancing our multimodal districts. (Q7)

With the guidance of these Strategic Priorities, staff from Planning, Development Support and Environmental Management (DSEM), and representatives from KIRC collaborated on the draft policy changes to the Rural category intended to implement this strategic initiative. The proposed amendment and planned LDC revisions are intended to “protect the rural character of our Rural Land use category.”

Litigation Related to a Proposed Gas Station on Crump Road

On September 23, 2014, the Board approved a Settlement and Forbearance Agreement to Resolve Litigation Related to a Proposed Gas Station on Crump Road. The terms of the agreement include the following as it relates to zoning and land use matters:

- A. Within sixty (60) days of the Effective Date of this Agreement, the Leon County Board of County Commissioners (“BOCC”) shall consider, at a duly-noticed public meeting, whether to amend the County’s LDC to prohibit gasoline service stations (SIC Code 554), fuel oil dealers (SIC Code 5983), and liquefied petroleum gas dealers (SIC Code 5984) on all property designated as “Rural” on the County’s Future Land Use Map.
- B. Within sixty (60) days of the Effective Date of this Agreement, the BOCC shall initiate the process for a Comprehensive Plan Amendment to evaluate whether commercial development is appropriate on any property designated as “Rural” on the County’s Future Land Use Map, and shall complete such process within one (1) year of the Effective Date of this Agreement.

The processing of this text amendment within the 2015-1 amendment cycle satisfies the terms of the agreement as outlined above to initiate the process for a Comprehensive Plan Amendment to evaluate whether commercial development is appropriate on any property designated as “Rural” on the County’s Future Land Use Map

Proposed Text Amendment Submitted by Keep It Rural Coalition

While the Board was considering the settlement, KIRC submitted a text amendment to the Rural category within the Comprehensive Plan’s Future Land Use Element for the Comprehensive Plan amendment Cycle 2015-1 (Attachment #2). The intent of this amendment, as stated by the applicant, is to "protect and enhance the rural areas as an amenity to and supportive of the County and the City of Tallahassee." Based on direction

provided by both the City Commission and Board of County Commissioners at a joint meeting on October 28, 2008, all citizen-initiated text amendments must be approved by either the City or County commission prior to incorporation into the plan amendment cycle and full staff analysis. A minimum of two City commissioners or three County commissioners must approve the proposed amendment in order for the Planning Department to move forward with processing the amendment.

The proposed text amendment to the Rural category language was presented to the Board at the December 9, 2014 Board meeting and staff received approval to utilize the proposed amendment, as submitted by KIRC, to evaluate whether any commercial uses are appropriate within the Rural Future Land Use Map (FLUM) category.

The proposed KIRC text amendment modified Policy 2.2.1 – Rural/Agriculture of the Future Land Use Element to further restrict allowable commercial activities in areas designated as Rural on the Future Land Use Map (FLUM) and proposed the creation of a new “Rural Commercial” classification with greater location restrictions and less intense site development allowances than the existing Minor Commercial classification. Per the KIRC proposed changes, allowable commercial activity would be restricted to “ancillary light industrial and minimal commercial uses that are functionally related to and supportive of agriculture, forestry, and grazing activities.” Additionally, the proposed text amendment would amend the Glossary of the Comprehensive Plan to create a ‘Rural Commercial’ category that would “provide for sales and services functionally related to and supportive of agriculture, forestry, and animal husbandry” and limit gross floor area to 5,000 ft² at limited intersections.

Proposed Amendment

The proposed amendment reflects the direction provided by the Board through previous actions, including the adoption of a Strategic Initiative to “protect the rural character of our Rural Land use category”. Using the text amendment as submitted by KIRC as a starting point, staff revised the Rural category language to clearly define the intent of the category, identify appropriate uses, densities, and intensities, and establish special standards and/or conditions critical to the categories purpose.

While representatives of KIRC have asked that greater detail regarding permitted uses be included in the plan, staff believes that the LDC is the most appropriate context for this level of detail. To that end, staff is recommending subsequent revisions to the LDC that implements the proposed Comprehensive Plan changes and more specifically address such things as permitted/prohibited/conditional uses and site design standards.

Commercial Uses

As submitted by KIRC, the text amendment to the Rural category proposes the creation of a new “Rural Commercial” classification within Policy 3.1.2 of the Comprehensive Plan’s Land Use Element. This new classification would contain greater location restrictions and less intense site development allowances than the existing Minor Commercial classification.

While staff believes that the proposed language is more appropriate for the LDC, there is merit in the intent of KIRC's proposed 'Rural Commercial' classification. The existing commercial classifications contained in Policy 3.1.2 address non-residential development in a decidedly more urban fashion. Beyond just site design standards that are more intense than desired for the Rural area, they seek to direct non-residential development toward major intersections to create concentrated nodes of activity.

Non-residential uses traditionally associated with agriculture, silviculture, and other natural resource based activities are typically co-located with their primary activity. For example, it would be more appropriate to locate a lumber mill on the site of the tree farm than it would be to locate it at a major intersection; therefore, the activity node concept utilized in urban areas is not well suited for Rural areas.

Non-residential uses not directly related to agriculture, silviculture, and other natural resources activities are more appropriately located in Rural Communities or within the USA. In fact, the historical purpose of Rural Communities, such as Miccosukee and Woodville, was to serve as the activity and development nodes for the Rural areas. Directing certain types of non-residential development towards the Rural Communities is consistent with the historic past of these areas and contributes to the continued economic growth of these designated areas.

Land Development Code Revisions

Should the proposed text amendment be approved, Planning will partner with DSEM and KIRC to draft and review subsequent LDC revisions. The LDC revisions implementing the Comprehensive Plan policy changes will be brought before the Board for consideration and discussion before the end of the calendar year.

F. STAFF REPORT UPDATE

Below is a summary of changes and actions that have taken place subsequent to the publication of the original staff report.

F.S. 823.14 Florida Right to Farm Act

As stated in the intent of the proposed Rural policy, the purpose of the Rural areas is to "maintain and promote agriculture, silviculture, and natural resource-based activities, to preserve natural systems and ecosystem functions, and to protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. Typical land uses within this category shall include agriculture, silviculture, and ecotourism natural resource-based activities." Consistent with these intent statements, the primary allowable uses for the Rural areas is envisioned to be agriculture-related activities and operations.

In regards to adopting land development standards and regulations for agricultural uses, the Florida Right to Farm Act (Attachment #3) preempts local governments with regards to the allowable uses and activities on agricultural lands. Per Florida Statute 823.14:

“...a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land.”

In regards to allowable uses associated with bona fide agricultural uses, including but not limited to on-site farm stands, the Florida Right to Farm Act specifically addresses these activities as “farm operations,” which are also exempted from local government regulations.

“Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets...”

Locational Standards for Allowed Non-Residential Uses

Previous drafts of the proposed Rural policy removed locational standards for allowable non-residential uses in the Rural areas because the majority of these uses needed to occur on lands where the resources are located – i.e. a silviculture operation should be on the site of the tree farm, not at an intersection. The Florida Right to Farm Act expressly limits local governments from placing any operational or locational restrictions on bona fide agricultural uses and associated farm operation activities; therefore, local governments have no authority to restrict the location of bonafide agricultural uses and associated farm operation activities to designated intersections.

Exempting bonafide agricultural uses and farm operation activities governed by the Florida Right to Farm Act, allowable non-residential uses are proposed to be “...limited to the intersection of major collector and arterial or arterial and arterial designated roadways.” This policy further limits the location of allowable non-residential uses and provides greater certainty and predictability regarding where those uses can occur in the Rural areas.

Meetings with KIRC Representatives and Leon County DSEM

Planning Department and DSEM staff has met with KIRC representatives on multiple occasions throughout this process and has collaborated to draft the proposed Rural Comprehensive Plan policy changes, consistent with the direction from and previous actions of the Board of County Commissioners. The current draft policy and new definitions proposed for inclusion in the Glossary of the Comprehensive Plan (Attachment #4) are reflective of the teamwork this process has embodied.

Land Development Code Revisions Schedule

To ensure the LDC revisions are consistent with the proposed policy changes, DSEM has partnered with Planning and KIRC to begin drafting and reviewing LDC revisions. The LDC revisions implementing the Comprehensive Plan policy changes are scheduled to be brought before the Planning Commission and Board for consideration and discussion on the following dates, consistent with the effective date of the Rural Comprehensive Plan policy changes:

- Planning Commission Public Hearing 6:00PM, Tuesday May 5th
Renaissance Center, 2nd Floor Conference Room
- First Public Hearing 6:00PM Tuesday, June 9th
Leon County Courthouse, 5th Floor Chambers
- Second Public Hearing 6:00PM Tuesday, July 7th
Leon County Courthouse, 5th Floor Chambers

Local Planning Agency Public Hearing

The Local Planning Agency (LPA) public hearing for this amendment was held on April 6, 2015. The LPA unanimously approved the proposed amendment with no conditions.

G. CONCLUSION:

Based on the above analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. The proposed amendment better clarifies the intent of the Rural category as well as the land uses, densities, and intensities appropriate for the category.
2. The proposed amendment provides a framework and direction for subsequent land development code revisions that further protect and enhance the rural areas.
3. The proposed amendment is consistent with direction provided to the Planning Department by the Leon County Board of County Commissioners at a Board meeting held on December 9, 2014 and previous Board actions related to the protection and enhancement of the Rural areas.
4. The proposed amendment is consistent with the Board of County Commissioners' recently adopted Strategic Initiatives to protect the rural character of our Rural land use category and review and (as appropriate) revise the Land Use Element of the Comprehensive Plan.

G. ATTACHMENTS:

Attachment #1: Proposed Changes to the Rural Future Land Use Category

Attachment #2: 2015-1 Proposed Text Amendment Submitted by the Keep it Rural Coalition

Attachment #3: F.S. 823.14 Florida Right to Farm Act

Attachment #4: Proposed New Definitions for the Comprehensive plan Glossary

Land Use Element Policy 2.2.1 [L] Rural

Intent

Leon County's agricultural and silvicultural lands have a long and productive history. They have served as both a source of food and materials for urbanized areas of the County and as a significant economic engine for the region. Decades of suburbanization have dramatically reduced the amount of arable land available for agriculture and silviculture within the County. These lands are now at a premium and require protection to ensure that they remain viable, unfragmented, and productive for future generations.

The intent of the Rural category is to maintain and promote agriculture, silviculture, and natural resource-based activities, to preserve natural systems and ecosystem functions, and to protect the scenic vistas and pastoral development patterns that typify Leon County's rural areas. Typical land uses within this category shall include agriculture, silviculture, and natural resource-based activities. Due to the very low intensity development pattern that is intended for the category, urban services are not planned or programmed for the area.

To promote infill and redevelopment within the Urban Service Area (USA) and Rural Communities, higher density residential, and non-residential uses that are not functionally related to and supportive of agriculture, silviculture and other natural resource based activities shall be prohibited within the Rural category.

Allowable Uses, Densities, and Intensities

Residential

The Rural category shall allow for single family residential uses at a maximum density of one (1) dwelling unit per ten (10) gross acres.

Non-residential

Agriculture, silviculture, and other natural resource based activities shall comprise the primary non-residential uses within the Rural category.

Consistent with Florida's Right to Farm Act, bona-fide agricultural uses, on land classified as agricultural land by the Leon County Property Appraiser, shall not be subject to a non-residential intensity limitation.

Non-residential uses functionally related to and directly in support of agricultural, silvicultural, and other natural resource based uses, including ecotourism activities, may be permitted at a maximum intensity of 2,000 sq. ft. per gross acre. The location of such uses shall be limited to the intersection of major collector and arterial or arterial and arterial designated roadways. Total development at any one intersection shall not exceed 10,000 sq. ft.

To ensure that such uses are developed in a manner that is compatible with the rural nature of the area, additional standards and limitations shall be included in the land development code.

Community and Recreational Facilities

Community services, light infrastructure, and recreational uses may be permitted provided they are compatible with the natural and rural surroundings. Facilities associated with these uses may be permitted at a maximum intensity of 2,000 sq. ft. per gross acre.

Active recreational uses not functionally related to or supportive of agriculture, silviculture, natural resource based, or ecotourism activities, including, but not limited to golf courses, drag strips, and racetracks for motorized vehicles, are prohibited.

To ensure that such uses are developed in a manner that is compatible with the rural nature of the area, additional design standards and limitations shall be included in the land development code.

Special Conditions

The following special conditions shall apply to the Rural future land use category:

1. Development proposals within the Rural area shall be evaluated for compatibility with adjacent agricultural uses and shall consider the land management activities associated with such uses. Development that is incompatible with agricultural uses, or has the potential to fragment, encroach upon, or displace such uses, shall not be permitted.
2. Property within the Rural category shall not be converted to a more intense land use category unless the subject site adjoins the Urban Service Area or a designated Rural Community.
3. Non-residential development shall be subject to design standards that preserve the scenic and rural character of this category and protect existing rural residential development from offsite impacts of non-residential development. Design standards shall include, but not be limited to, signage, lighting, parking, landscape buffers, and building materials.
4. Existing uses and structures listed on the local or national historic register at the time of adoption of this amendment shall be considered conforming.



**Application for Amending the Text of the
Comprehensive Plan**



Including changes to maps other than the Future Land Use Map

Text Amendments submitted by entities other than a department of Leon County or City of Tallahassee government or the Planning Commission must be reviewed by the City or County Commission and receive a supporting vote from either 2 City Commissioners or 3 County Commissioners in order to be processed as a proposed amendment.

Please contact the Planning Department at least 10 working days prior to the application deadline to discuss this process.

Applicant Name: Keep It Rural contact Pamela Hall
Address: Keep It Rural 9143 Stargate Way, Tallahassee FL 32309
Pamela Hall: 5051 Quail Valley Rd Tallahassee FL 32309

Telephone: Pamela Hall: 850-445-6007

E-mail Address: phall@curg.org

Goals, Objectives, Policy Numbers or figures to be amended: Policy 2.2.1 [L] Rural/Agriculture FLU description, Policy 3.1.2 [L] A Commercial Classifications, Glossary, add term.

REQUIRED ATTACHMENTS

- Attachment 1: A strikethrough/underline version of any requested text changes.
- Attachment 2: Amended version of any requested changes to maps or figures. none needed.
- Attachment 3: Statement of the problem that is to be addressed by the requested amendment and anticipated positive effects of the request on the community.

APPLICATION DEADLINE:
Friday, September 26, 2014 at 5:00 PM (EST)

Received by the Tallahassee-Leon County Planning Department

on the 26 day of Sept, 2014

[Signature]
Staff Signature

Signature of Applicant

RECEIVED
SEP 26 2014
PLANNING DEPARTMENT

Keep It Rural, Inc
September 26, 2014

Dear County and City Commissioners, Planning Department Staff and Residents of Leon County;

Keep It Rural submits these amendments of the Rural and Urban Fringe Future Land Use (FLU) policies of the Comprehensive Plan in order to protect and enhance the rural areas as an amenity to and supportive of the County and the City of Tallahassee. We think that having a rural area that is distinct from the suburban and urbanized areas of our county is one of the reasons people chose to live here, create businesses here and raise their families.

We seek to retain and more strongly support the policies that promote the rural area for agricultural land uses, preserve its natural resources and ecosystem functions, protects its scenic landscape and to make it a superb amenity to all of the residents of Leon County and the City of Tallahassee.

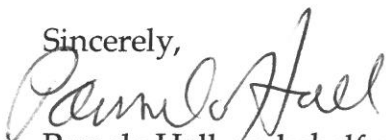
We believe our amendments will benefit the community and intent them to:

1. Continue to allow commercial development that is directly and functionally related to agriculture, silviculture and grazing uses of the rural area,
2. Prevent the undermining of Rural Communities as local centers of commercial and office development,
3. Create consistency between the Rural and Urban Fringe FLU policies and the main and many other goals of the land use elements of the Comprehensive Plan,
4. Clarify the intent of the Rural and Urban Fringe FLU as to the scope, scale and location of commercial development so that the implementation of these policies leads to clear and consistent Land Development Code and Zoning regulations for the Rural and Urban Fringe.

We are seeking to promote the primary goal of the Comprehensive Plan that is to direct development to the Urban Services Area (USA) and the Rural Communities. These goals cannot only be achieved by policies that encourage development in the USA and the Rural Communities. It much also include policies that discourage and disallow development outside of these areas. Both types of policies need to be in place.

We also hope that the Commission and Planning Staff will use these proposed amendments as an initiation of a community discussion. Please contact us for further discussion and conversation about our rural lands and landscape.

Sincerely,



Pamela Hall, on behalf of Keep It Rural

Keep It Rural Coalition (KIRC) Rural Commercial Amendment

Policy 2.2.1: [L]

RURAL/AGRICULTURE * (Revision Effective 8/17/92; Revision Effective 7/26/06; Revision Effective 12/24/2010)

*(Leon County refers to this category as "Rural" only.)

Existing language:

Largely undeveloped acreage remotely located away from urbanized areas containing the majority of the County's present agricultural, forestry and grazing activities. Intended not to be scheduled for urban activity during the Plan Horizon due to lack of present and/or scheduled urban infrastructure services. Very low residential density (1 unit per 10 acres) and minimal commercial designed to service basic household needs of adjacent residents are allowed, as well as passive recreational land uses. Industrial and ancillary commercial land uses associated directly with the timbering and/or agri- business are permitted. Intended to maintain and promote present and future agriculture land uses and to prohibit residential sprawl into remote areas lacking basic urban infrastructure services.

Proposed language:

Largely undeveloped acreage located away from urbanized areas containing the majority of the County's present agricultural, forestry and grazing activities. Intended to maintain and promote present and future agriculture land uses, preserve natural resources and ecosystems functions, protect the scenic landscape and be an amenity to the urbanized areas. Very low residential density (1 unit per 10 acres) and passive recreational land uses are allowed. Ancillary light industrial and minimal commercial uses that are functionally related to and supportive of agriculture, forestry and grazing activities are allowed. Intended not to be scheduled for urban activity during the Plan Horizon.

Mark up language:

RURAL/AGRICULTURE * (Revision Effective 8/17/92; Revision Effective 7/26/06; Revision Effective 12/24/2010)

*(Leon County refers to this category as "Rural" only.) Largely undeveloped acreage ~~remotely~~ located away from urbanized areas containing the majority of the County's present agricultural, forestry and grazing activities. Intended to maintain and promote present and future agriculture land uses, preserve natural resources and ecosystems functions, protect the scenic landscape and be an amenity to the urbanized areas. ~~Intended not to be scheduled for urban activity during the Plan Horizon due to lack of present and/or scheduled urban infrastructure services.~~ Very low residential density (1 unit per 10 acres) and ~~minimal commercial designed to service basic household needs of adjacent residents are allowed, as well as~~ passive recreational land uses are allowed. ~~Ancillary light industrial and ancillary-minimal commercial land uses that are functionally related to and supportive of associated directly with~~ agriculture, forestry and grazing activities ~~the timbering and/or agri- business are permitted~~ allowed. ~~Intended to maintain and promote present and future agriculture land uses and to prohibit residential sprawl into remote areas lacking basic urban infrastructure services.~~ Intended not to be scheduled for urban

Keep It Rural Coalition (KIRC) Rural Commercial Amendment

activity during the Plan Horizon due to lack of present and/or scheduled urban infrastructure services.

NOTE: The language above requires the creation of a new commercial classification “Rural Commercial” which has greater location restrictions and less intense site development allowances than the existing “Minor Commercial”.

Policy 3.1.2: [L] (Revision Effective 12/23/96; Revision Effective 6/28/02; Revision Effective 7/26/06)

Allowed commercial development in the Mixed Use Category shall be determined in accordance with Objective 1.7 and the development pattern policies. Allowed commercial development in the Woodville Rural Community Category shall be determined in accordance with Objective 3.4 and subsequent implementing policies. In other Future Land Use Categories, development type and location standards for minor, neighborhood, community, regional, and highway commercial sites shall be as outlined below. These requirements are intended to group commercial land use toward intersections to provide access and prevent strip commercialization. Stringent access criteria which may include increased design considerations or the construction of frontage or service roads for development approval may be applied for commercial sites not located according to the commercial site location standards.

A. COMMERCIAL CLASSIFICATIONS

1. RURAL COMMERCIAL

a. Major Function

- 1) Provide commercial and office sales and services directly related to agriculture, silviculture and animal husbandry uses of rural land
- 2) Not intended for development that solely provides general household goods and services

b. Location

- 1) On or near the intersection (access within 330 feet of centerline of intersection) of collector and arterial or arterial and arterial
- 2) Maximum of two quadrants can be developed at intersection

c. Site Area

- 1) Five acres or less.
- 2) If subdivision occurs to create the commercial or office lot then the remaining parcel must comply with minimal parcel size or density requirement of the Future Land Use District in which it is located.

d. Range of Gross Floor Area

- 1) Maximum of 10,000 sq ft per intersection
- 2) Maximum building size of 5000 sq ft including covered areas that are necessary for type of use
- 3) Maximum building size of 3000 sq ft for convenience stores
- 4) Gas stations and petroleum related uses are not allowed

Keep It Rural Coalition (KIRC) Rural Commercial Amendment

e. Design Standards

- 1) Aesthetically compatible with adjacent uses.
- 2) Adequate buffering, screening, landscaping and architectural treatment to be compatible with adjacent uses and to protect privacy of any surrounding uses
- 3) Minimal lighting and signage to reduce night sky light pollution and privacy of surrounding uses
- 4) Minimal parking; properly designed to provide for safe internal traffic circulation.
- 5) Access cannot be on local road

12. MINOR COMMERCIAL

Renumber remaining Commercial Categories

GLOSSARY

COMMERCIAL: *(Rev. Effective 6/25/96)* Generally, an activity or business involving the sale of goods and/or services carried out for profit.

RURAL: Provide for sales and services functionally related to and supportive of agriculture, forestry and animal husbandry uses. Gross floor area 5,000 sq ft at limited intersections.

MINOR: *(Effective 7/16/90)* Provide for the sale of convenience goods and services to the immediate residential area. Gross floor area - less than 20,000 square feet except at a local street intersection where maximum allowable is 10,000 square feet.

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Application for amendment to the Rural FLU

Amendment to Policy 2.2.1 [L] Rural/Agriculture Future Land Use

The problem to be addressed is:

- 1. Proliferation of inappropriate commercial development into rural and agricultural lands,**
- 2. Resolution of inconsistent implementation of Comprehensive Plan Vision and Land Use Goal 1.**

The proposed amendment will accomplish these positive effects:

- 1. Preservation of the Rural areas as an amenity to and supportive of the Urban Services Area and Rural Communities by preventing commercial sprawl,**
- 2. Provide a consistent implementation of the Vision Statement and primary Land Use Goal 1 of the Comprehensive Plan by clarifying the intent of the Rural Future Land Use (FLU) policy so that it is fully supportive of the direction of growth into the Urban Services Area and Rural Communities,**
- 3. Re-enforcement and continuation of the recent changes in the Comprehensive Plan that have limited residential development options and densities in the Urban Fringe FLU and have supported the retention of residential development in the Rural FLU only at low density.**
- 4. Improves support of Rural Communities as the focal point for development in the rural area.**
- 5. Continues to allow commercial and office land uses that are functionally related to and supportive of the agricultural, silviculture, and grazing activities in the Rural FLU.**
- 6. Creates a new commercial site and design policy that is appropriate for Rural commercial development. The existing Minor Commercial provides location criteria, building size and total allowance, trade areas and impacts that are appropriate for suburban and urban locations. Rural areas need distinct criteria.**

Reasons to adopt these amendments are:

- A. The numerous goals, objectives and policies in the Comprehensive Plan that focus growth into the Urban Services Area (USA) and Rural Communities have been successful policies. The current allowance of substantial commercial growth in the Rural and Urban Fringe undermines these policies. Therefore, the Rural and Urban Fringe FLU should be amended to be consistent with the directed growth and infill policies of the Comprehensive Plan.**
- B. The Regional Mobility Plan that also supports focus of growth and adopts conservation and preservation of the vast majority of land outside of the growth**

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centers has been adopted. None of the growth centers are in the Rural or Urban Fringe FLUs. Therefore, the Rural and Urban Fringe FLU should be amended to be consistent with the directed growth and infill policies of the Regional Mobility Plan.

- C. Numerous analyses of population accommodation for Leon County have repeatedly demonstrated that the current designation of the USA and Rural Communities provides sufficient development capacity for decades to come. The establishment of the USA has been successful and it should not be undermined by the current significant allowance of commercial development in the Rural and Urban Fringe.
- D. Numerous changes in the Comp Plan have been made to reduce residential development in areas outside the USA. Amendments that would increase such development have been routinely defeated because they contradict the Vision and land use goals of the plan. Policies for commercial development should follow suit and reduce commercial development allowance outside the USA and Rural Communities.
- E. There are significant negative fiscal, economic and environmental impacts to allow conversion of rural lands into residential or commercial development.
- F. Rural residential areas are already sufficiently served by commercial development inside the nearby USA, Urban Fringe and Rural Communities. Limiting commercial development in rural areas to what is only directly functionally, connected to agriculture, silviculture, animal husbandry or hunting will not materially affect the rural economy.

The proposed amendment will directly:

1. **Limit but not eliminate commercial and office uses in the Rural area to those directly and functionally related to agricultural, forestry and grazing activities,**
2. **Create a Rural Commercial category that provides appropriate location, scale and size criteria for development.**
3. Direct commercial development suited to serve rural households needs to nearby Urban Fringe, Rural Community or Urban Services Area commercial centers,
4. Retain substantial commercial development rights in nearby Urban Fringe locations,
5. Affect a small number of land owners and intersections in the Rural FLU, and not modify the potential for large land owners to realize substantial development rights with future planned mixed use developments if population accommodation ever requires such,
6. Require an amendment to the Rural Zoning code.

Elaboration on the above reasons:

A. The numerous goals, objectives and policies in the Comp Plan that focus growth into the USA and Rural Communities. These are successful policies. The current Rural and Urban Fringe FLU that allow large amounts of inappropriate commercial development in these areas outside the USA and Rural Communities are undermining them.

1. Land Use Goal 1

The main intent of the Land Use policies of the Comprehensive Plan are to channel growth into "locations and activities that protect the natural and aesthetic environments and residential neighborhoods". The "inevitable growth" referenced in this goal does not mean "inevitable" conversion of rural land into residences or commercial development. Sustained and consistent implementation of the stated intent to "channel growth" will protect surrounding rural areas.

2. Objective 1.1. Establishment Urban Services Area

The Urban Services Area (USA) is the primary tool for focusing growth in a fiscally and environmentally responsible manner. The USA is intended to capture 90% of new residential growth and supporting non-commercial development.

3. Policy 1.1.1. Establishment Rural Communities

This policy recognizes existing communities that are outside of the USA. These communities have traditionally provided services to the surrounding rural areas and Policy 1.1.1 formalizes this.

4. Many policies that encourage or require infill inside the USA have been adopted and implemented with tremendous success, providing greater opportunities and choice of residence, work and shopping for residents. Such policies include the Multimodal District, Southside Sector Plan, Southwood Sector Plan, Welanunee Sector Plan, Mahan Corridor, Market Square Initiative and the Bradfordville Sector Plan.

5. The Bradfordville Sector Plan prohibits commercial development in all Urban Fringe FLU designated parcels located between Thomasville and Centerville Road. This was adopted because of the size of the commercial center at Bradfordville was clearly sufficient to provide any needs of the surrounding suburban, ex-urban and rural population.

6. The Mahan & I-10 intersection have a number of large scale planned and built commercial and office developments that are within or adjacent to the Urban Fringe area of the eastern portion of Leon. Therefore, all of these UF areas are well served by existing commercial development. What works for the UF between Thomasville and Centerville, can work for all UF south of Miccosukee and Crump intersection.

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Application for amendment to the Rural FLU

7. **The focus of the public and private resources should be to realize the allowed development densities/intensities of the USA and Rural Communities and not to dissipate this fiscal and environmentally sound effort by encouraging for commercial sprawl outside the USA.** The land inside the USA is under utilized until it is provided with infrastructure that supports the density / intensity for which it is zoned. Local governments are making and implementing plans to provide this infrastructure but it will take many years. In the meantime it should not be undermined by commercial development scattered in the rural area.
- B. **The Regional Mobility Plan of CRTPA (adopted by both COT and BCC) reflects the adoption of a multi-faceted transportation plan that supports the integration of transportation and development to further foster urbanization of Tallahassee, infill and more mixed used in towns in the four county planning area. None of the policies in the RMP support growth in the rural area.**
1. Identified "growth centers": Bradfordville, Mahan&Rt90, Southwood, Woodville, Tallahassee Regional Airport, Fred George Neighborhood and COT multimodal district. None of these are in the Rural area of Leon County.
 2. Adopted the "Quality Growth Plus" scenario *"This scenario incorporated more intensive and exceptional growth management strategies than Scenario 2, for example higher densities in compact areas and more extensive emphasis on the preservation of community resources including environmental, cultural and historic assets."*

This scenario is a repudiation of "Business as Usual" and is recognition of the importance of focusing growth into the designated growth centers, the value of open space and undeveloped rural and the elimination of premature conversion of rural lands into developed acreage.
 3. The RMP also included adoption of 10 principles of Smart Growth which direct growth into compact, mixed use, multi-modal urban and suburban areas, make a clear demarcation between these areas and rural areas, and identify policies that will prevent the conversion of rural areas to residential and commercial sprawl.
- C. Numerous analyses of population accommodation for Leon County have repeatedly demonstrated that the current designation of the USA and Rural Communities provides sufficient development capacity for decades to come. All of the land use, transportation and infrastructure planning policies and implementation should reflect these results. Plans that don't reflect reality will not serve our community well.
1. **Analysis of capacity of USA to accommodate population growth.** This has been done many times with results ranging from 60 to 100+ years based on current estimates of population increase over the period of the Comp Plan. **There will never be a time when "we run out of land".**

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Application for amendment to the Rural FLU

The capacity to accommodate population growth inside the USA is a function of policies such as whether infrastructure to support density and intensity as currently allotted is provided and limit development outside of it.

2. RMP and previous analyses of population accommodation of Future Land Use Map assumed a population growth rate of 2.1% from 2008 to 2030. The new estimate of population growth is 1.7%. This means that even the most conservative scenario over-estimated the "need" for land to accommodate population.
3. **The USA has been successful.** People and businesses continue to be attracted to the urban and suburban areas of the Leon County. After decades residential and commercial sprawl Leon County has experienced, the population centroid of Leon County has ceased moving outward in the last decade. The number of dwelling units inside the USA has continued to increase compared to outside the USA. People are moving into town, not out into rural and urban fringe areas.

D. Numerous changes in the Comp Plan have been made to reduce residential development in areas outside the USA. Commercial policies should follow suit and prevent commercial sprawl outside the USA. There have been numerous changes in policy that support denser residential development in the USA and proposals that would do the opposite have been denied.

1. The intent of the Urban Fringe was changed in 2011 from being the next location for USA boundary expansion "*To protect Rural areas from premature development, facilitate infill and redevelopment inside the Urban Service Area*"
2. Residential development allowance in the Urban Fringe has been significantly reduced since adoption of the Comprehensive Plan because it is has been recognized that those policies were encouraging residential development outside the USA. Clustering for the purposes of holding land for future development when the USA was expanded has been deleted because expansion of the USA is unneeded for the foreseeable future. The criteria for converting Rural to Urban Fringe have been significantly tightened. Also, the density allowance for conservation subdivisions was reduced to "neutral", meaning no more than conventional allowance of 1 unit per 3 acres (0.33 DU/acre) for the same reasons as previously stated.
3. The spread of Conservation Subdivision into the Rural area which would encourage development by providing options has not been adopted despite numerous attempts to do so.
4. Numerous Comprehensive Plan amendments to increase the USA, change parcel from Rural to Urban Fringe, expand Urban Fringe have been

rejected due to their contradiction of the primary goals of the Comp Plan.

5. A cap on total development in Rural and UF in the PSPZ and a system of transfer of development rights from Rural and UF in PSPZ has been developed to protect the land and water resources of the PSPZ and to support Woodville Rural Community as a focal point of development.
 6. The allowance of substantial commercial development in to Rural area is an inducement to more residential development. The Comprehensive Plan must discourage and disallow inappropriate residential and commercial development outside the USA and Rural Communities as a way to enhance development inside these focus areas. Both need to be done.
- E. There are significant negative fiscal, economic and environmental impacts to allow conversation of rural lands into residential or commercial development.
1. **Cost of Providing Services** – Many studies have demonstrated that large lot residential development is a much bigger expense to local governments than compared to urban/suburban infill development. The study below which includes Leon and surrounding counties, demonstrates that agriculture much cheaper to public purse than residential development. Commercial development scattered across landscape is costly to provide public services (fire, EMT, etc) just as is the same low density residential.

(<http://www.talltimbers.org/images/ttlc/COCSsingles.pdf>)
 2. **Economic Analysis of Rural Lands** – This study describes the tremendous value in jobs and economic output including timber, hunting and recreation that are provided by rural lands.
(http://talltimbers.org/images/ttlc/RH_EconomicImpact.pdf)
 3. **Ecosystem Service Function Value** – This study puts an economic value on the services that natural ecological systems provide to the communities that include them. These functions are extremely expensive to re-create via engineered systems that also often cannot work as well as the natural systems. Intact natural ecosystem functions provide resilience and recovery in the wake of unusual weather events.
(<http://www.talltimbers.org/images/ttlc/ValuingEcosystemServices-RHR-SWGANF.pdf>)
 4. **The premature conversation of rural lands to large residential or mixed use developments is often the result of local governments that create such opportunities by inconsistent application of long term planning goals.** The value of rural land for non-agricultural use is a function of local land use policies. If the policies are very clear in intent, the

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5. **Rural residents do not necessarily travel more miles than urban or suburban residents.** Providing commercial is not apt to reduce vehicle miles traveled for Rural and Urban Fringe dwellers. Commuters into the urban and suburban areas dominate the rural area in Leon County. Therefore, the commercial services of these areas are available to most rural residents on a daily basis. Rural residents also tend to combine trips, doing errands as they pass through urban commercial centers during daily commutes. **Scattering commercial development throughout the Rural area will not get people out of their cars. It is more apt to increase the VMT of rural residents, as they will use these locations in addition to their daily commute and combined errand pattern of driving.**

A study of VMT by rural, suburban and urban drivers in Oregon concluded that rural residents drive no more than urban residents and on average, less than suburban ones. They also drive under conditions that optimize fuel efficiencies of their vehicles. Though they tend to drive less fuel efficient vehicles than residents of community types, the conditions under which they drive; uncongested higher speed roads; result in similar if not better fuel economy. We believe this is likely also true for Leon County residents.

6. **Reduction of Vehicle Miles Traveled at the community level is much more effective when a large population sector is provided with alternatives to car use or shorter trips.** A more effective way to reduce County average VMT is to provide transportation alternatives to urban and suburban populations that create a shift in transportation modes – getting folks out of their car to walk, bike and take transit. This can only happen in higher density locations with walkable/bikeable distances.

The number of residents who live in the Rural area (about 13K) and Urban Fringe (about 19K) is small relative to the rest of Leon County (280K) are only 11% of the population. Lowering their VMT will create a very small change in the County average compared to a similar amount of change in the greater urban and suburban population. It is a “false economy” to scatter convenience stores throughout the rural area to “reduce” VMT.

7. The amount of allowed commercial development in the Rural area is much more than needed given the existing uses and the intent of the Comprehensive Plan to direct population growth accommodation into the USA and Rural Communities. There are approximately 27 intersections in the Rural FLU that can have commercial development with a maximum of 20,000 sq ft allowed per intersection. **This is a total of 540,000 sq ft of commercial development currently allowed in the Rural FLU.**
8. The Urban Fringe FLU states that “minor commercial activities” and “minor offices” are allowed. A minor “activity” is less than the full allowance of minor commercial but the LDC implements this as allowing both Minor AND Neighborhood Commercial. This is clearly inconsistent with the Comprehensive Plan. The Urban Fringe FLU should

Keep It Rural (KIR)

Application for amendment to the Rural FLU

be made unambiguous that only minor commercial is allowed in the UF and the Urban Fring Zoning LDC amended.

9. There are about 18 intersections that have at least some portion in the UF Zoning. The maximum allowance for Neighborhood commercial is 100,000 sq ft. **This is a total of 1.8 million sqft of commercial development that is currently allowed in the Urban Fring FLU due to an misinterpretation of policy in the implementation of the UF Zoning code.** Minor Commercial would allow 360,000 sqft maximum total commercial (18 intersections x 20,000 sqft/ intersection). In addition, the wide ranging list of allowable retail uses should be scrutinized so to limit commercial land use that is appropriate for the intent of Urban Fringe to protect Rural areas and to not be an attractant for more growth which undermines the concentration of growth inside the USA and Rural Communities.
10. **The distance between Rural Communities and major commercial nodes inside the USA are not far and relative to residential density, are closer to rural residents than commercial nodes are to residents inside the USA.** The distances from Rural Communities and commercial centers inside the USA are between 4.5 miles (Woodville RC & Woodville/CCSE) and 12.8 miles (Miccosukee & Bradfordville). The average residential density (lot size) in Rural = 0.04 DU/ Acre; Urban Fringe = 0.25 DU/ acre and inside USA = 3.1 DU/ Acre. Therefore, Rural and Urban Fringe dwellers are between 4 to 7 (1/2 maximum distance) times as far away from a "convenient" service but are 17 to 77 times less dense that the residences within the USA (1 mile = "convenient"). This means that access to commercial services, relative to local residential density is GREATER in the rural area than in the suburban USA.
11. **Minor Commercial development standards in the Comprehensive Plan reflect suburban/urban types of development, scale and design.** The "trade area", area of impact, status of "attractor" are based on the average values for a type of development which is, by industry standards, a suburban/urban site, not available at a rural site. Therefore, Minor Commercial site and development standards cannot be appropriate for rural locations. We have created a new commercial standard "Rural Commercial" that is more limited in size, scale and location.

823.14 Florida Right to Farm Act.—

(1) **SHORT TITLE.**—This section shall be known and may be cited as the “Florida Right to Farm Act.”

(2) **LEGISLATIVE FINDINGS AND PURPOSE.**—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state. The Legislature further finds that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of the farm land from agricultural use. It is the purpose of this act to protect reasonable agricultural activities conducted on farm land from nuisance suits.

(3) **DEFINITIONS.**—As used in this section:

(a) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(b) “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

(c) “Farm product” means any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom.

(d) “Established date of operation” means the date the farm operation commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation of a previous established date of operation.

(4) **FARM OPERATION NOT TO BE OR BECOME A NUISANCE.**—

(a) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

1. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.

2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.

3. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

4. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(b) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for 1 year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

(5) WHEN EXPANSION OF OPERATION NOT PERMITTED.—This act shall not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or water management districts and adopted under chapter 120 as part of a statewide or regional program. When an activity of a farm operation takes place within a wellfield protection area as defined in any wellfield protection ordinance adopted by a local government, and the adopted best management practice or interim measure does not specifically address wellfield protection, a local government may regulate that activity pursuant to such ordinance. This subsection does not limit the powers and duties provided for in s. 373.4592 or limit the powers and duties of any local government to address an emergency as provided for in chapter 252.

History.—s. 1, ch. 79-61; ss. 1, 2, ch. 82-24; s. 9, ch. 87-367; s. 75, ch. 93-206; s. 1279, ch. 97-102; s. 25, ch. 99-391; s. 39, ch. 2000-308; s. 13, ch. 2012-83.

Tallahassee-Leon County Comprehensive Plan Glossary – New Proposed Definitions

Agriculture: The production, keeping or maintenance, for sale, lease or personal use, of plants and/or animals useful to humans, including, but not limited to, the growing of crops, dairying, grazing, the raising and maintenance of poultry and other livestock, horticulture, nursery, forestry, and sod farms. Commercial feed lots, the raising of furbearing animals, riding academies, livery or boarding stables or dog kennels are not considered to be normal agricultural uses.

Agritourism: Any agricultural related activity consistent with a bona fide farm or ranch or in a working forest which allows members of the general public to view or enjoy activities related to farming, ranching, historical, cultural or harvest-your-own attractions for recreational, entertainment or educational purposes.

Ecotourism: Tourism that focuses on the appreciation of natural areas, wildlife, or cultural and historical resources and strives to minimize ecological impact or damage. This nature-based tourism involves education and interpretation of the natural environment and is managed to be ecologically sustainable. Activities may include cycling, camping, fishing, hunting, paddling, hiking, birding, visiting scenic byways, agritourism, and wildlife viewing.

Silviculture: a practice, operation, or process following accepted forest management principles whereby the crops constituting forests are tended, harvested, and reforested.

**Attachment #7: Public Comments
received through
April 7, 2015**

Calhoun, Sherri

From: Thomas, Debra
Sent: Friday, January 16, 2015 11:26 AM
To: 'Bill Brandt'
Subject: RE: Talcor – on-street parking and solid waste collection

Thanks Mr. Brandt for your comments. They are being included for consideration.

Debra Thomas, Senior Planner
Tallahassee–Leon County Planning Dept.
Comprehensive Planning & Urban Design
Ph. 850-891-6400; Fax 850-891-6404
Debra.Thomas@Talgov.com
<http://www.talgov.com/planning/PlanningHome.aspx>



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 email communications may therefore be subject to public disclosure.

From: Bill Brandt [<mailto:billrents@gmail.com>]
Sent: Friday, January 16, 2015 11:16 AM
To: Thomas, Debra
Subject: Talcor – on-street parking and solid waste collection

At the public hearing last night we talked briefly about the narrow streets and lack of sidewalks in the area of the development, especially Gwen, Hunter, Payne and Harper streets, and how on-street parking along these streets is difficult and impedes traffic. I would also like to add the difficulty with the narrow streets caused by each resident having two City solid waste cans (one black and one green) which are rolled to the curbside each week. On solid waste collection day (Fridays) the number of cans is considerable and causes significant obstacles for vehicles and pedestrians along these streets, as well as along Pine Street.

I would suggest that because of the anticipated density of the new development, the number of cans that will be required, the narrow streets, and lack of sidewalks, common dumpsters for garbage and recycle be used rather than the green and black City cans. If cans are used, the development plans for each residence should include dedicated parking spaces and connecting paved walkways for the green and black cans both at the home site for everyday use and at curbside for collection day.

Thanks,
Bill Brandt
850/422-2399

Calhoun, Sherri

From: Thomas, Debra
Sent: Wednesday, November 05, 2014 4:30 PM
To: Wilcox, Barry; Doherty, Megan
Cc: Bryant, Cherie (Planning)
Subject: FW: Citizen Comments Submission from Talgov.com for PCM150101

FYI. Please see citizen comments below. Thanks!

Debra Thomas, Senior Planner
Tallahassee–Leon County Planning Dept.
Comprehensive Planning & Urban Design
Ph. 850-891-6400; Fax 850-891-6404
Debra.Thomas@Talgov.com
<http://www.talgov.com/planning/PlanningHome.aspx>



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From: Calhoun, Sherri
Sent: Wednesday, November 05, 2014 3:14 PM
To: Thomas, Debra
Subject: FW: Citizen Comments Submission from Talgov.com for Tallahassee-Leon County Planning Commission

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>



"People Focused. Performance Driven"

Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from local government staff or officials regarding City or County business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Perrine, Beth
Sent: Monday, November 03, 2014 9:21 AM
To: Calhoun, Sherri
Subject: FW: Citizen Comments Submission from Talgov.com forTallahassee-Leon County Planning Commission

For your files.

Beth Perrine
Administrative Assistant, Land Use Division, Tallahassee-Leon County Planning Department
300 South Adams Street A-24, Tallahassee, FL 32301
Phone: (850) 891-6410 Fax: (850) 891-6404
Beth.perrine@talgov.com
www.talgov.com or www.leoncountyfl.gov



From: billrents@gmail.com [<mailto:billrents@gmail.com>]
Sent: Sunday, November 02, 2014 11:38 PM
To: Perrine, Beth
Cc: Schuck, Jay; 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: PCM150101
Name: William Brandt
Street Address: 1535 Pine Street
City: Tallahassee
State: Florida
Zip: 32303
Email Address: billrents@gmail.com

Comments: Tallahassee-Leon County Planning Commissioners Barbara J. Walker Darryl Jones, Executive Director Patrick R. Madden Stewart Proctor Keith Dantin Robert Deyle Silvia M. Alderman Planning Commission Attorney 106 East College Avenue, 12th Floor Tallahassee, Florida 32301 224-9634 (W) silvia.alderman@akerman.com Please consider these two items: 1) Per the planning process, the developers met with 4 residents of the Daystar community. This is a very small group relative to the size of this development and is not directly affected by this development. There is a Midtown neighborhood association, which if it is still active, would be the correct neighborhood group. In any case the 4 residents of Daystar are not representative of the area around this development. 2) An important consideration for this development is the storm water drainage in the interior of the development area. The drainage system in this area has not been updated in many years and a new street (Hunter St) and new housing along Hunter have been added with no consideration for storm water. Currently these new roads and housing developments drain into my backyard at

1535 Pine. The storm water then flows north through the back yard of 1549 Pine then through other lots onto Gwen Street where there are City catch basins. This proposed development will greatly add to the current flooding conditions in this area and potentially restrict the current flow towards Gwen. These conditions were likely made worse by the development of the Whole Foods Plaza. Also, there are no existing catch basins along Pine Street between 9th and Gwen. To address these problems, adequate storm water retention facilities must be included in the development. Also new catch basins and drainage systems must be installed at the west end of, and along Harper Street, and along the northern extension of Hunter Street -- note that not all of Hunter Street is shown on the location map. Per City engineer Jon Yarborough, these should likely feed into the existing system along Gwen Street -- or feed new retention areas. I would like to work with the developer and the City to address these problems.

Visit the Planning Department website at: www.talgov.com/planning

**NOTICE OF A REQUESTED AMENDMENT
TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP AND REZONING**

An application has been filed to request a change of designation on the Comprehensive Plan Future Land Use Map and a rezoning 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 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 20th and January 15th 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 20 (Thursday) | Planning Department Staff | First Public Open House | 5:30PM | Renaissance Center 2nd Floor 435 North Macomb Street |
| January 15 (Thursday) | Local Planning Agency | Local Planning Agency Workshop | 1:00 PM | Renaissance Center 3rd Floor 435 North Macomb Street |
| January 15 (Thursday) | Planning Department Staff | Second Public Open House | 5:30 PM | Renaissance Center 2 nd Floor 435 North Macomb Street |
| February 3 (Tuesday) | Local Planning Agency | Local Planning Agency Public Hearing | 6:00 PM | Renaissance Center 2 nd Floor 435 North Macomb Street |
| February 10 (Thursday) | County Commission | County Commission Workshop | 1:00 PM | County Commission Chambers 5 th Floor, Leon County Courthouse |
| February 11 (Wednesday) | City Commission | City Commission Workshop | 1:00 PM | City Hall Commission Chambers |
| February 17 (Tuesday) | County and City Commissions | Joint City-County Commission Workshop | 1:00 PM | County Commission Chambers 5 th Floor, Leon County Courthouse |
| April 14 (Tuesday) | County and City Commissions | Joint City-County Transmittal Public Hearing | 6:00 PM | County Commission Chambers 5 th Floor, Leon County Courthouse |
| May 26 (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 using the "Comprehensive Plan Amendment Cycle 2015-1" icon located on the left blue menu bar. More detailed information is also available on the website.



Dr. Charles E. Pickens
Ms. Janet L. Pickens
1542 Mitchell Ave
Tallahassee FL 32303-5843

Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street
Tallahassee, Florida 32301

Telephone: (850) 891-6400

Fax: (850) 891-6404

Please

Charles E. Pickens

I/We as owner(s) of property at this address: 1542 Mitchell Ave wish the information below to be considered by the Local Planning Agency and the City/County Commissions: Amendment # PCM150101

we have lived in this home for 28 years & are directly behind the proposed dwellings. Please consider one level dwellings as opposed to 2 level dwellings (apartments/condos)
If more than one level were built the view from the back 2nd level would be our back yard. Please consider one level cottage

Visit the Planning Department website at: www.talgov.com/planning

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**Tallahassee-Leon County Planning Department
ATTN: Comprehensive Planning Division
300 South Adams Street**

Telep  Iris F. Ahl 32301
Apartment A
1501 Grape Street
Tallahassee, FL 32303 Fax: (850) 891-6404

I/We as owner(s) of property at this address: _____ wish the information below to be considered by the Local Planning Agency and the City/County Commissions:

Perhaps there's a parcel or two UNDER CONSIDERATION with dwellings worth photographing for Tallahassee's History.

SIGNED: *[Signature]*

December 11, 2014

Ms. Debra Thomas
Tallahassee Leon County Planning Department
435 North Macomb Street
Tallahassee, FL 32301

Dear Ms. Thomas,

RE: Amendment #PCM150101 (TALCOR Midtown)

On behalf of the DayStar Community, we are writing to provide conditional support of Amendment #PCM150101 to the Tallahassee-Leon County Comprehensive Plan Future Land Use Map. This is perhaps the first proposal in Tallahassee to change a Future Land Use Map designation from Residential Preservation in an established neighborhood to the more dense Urban Residential-2 (UR-2) category. This could be a model for changes of this sort in the future if quality urban design principles are implemented as part of the neighborhood redevelopment. It is critical that redevelopment that occurs as a result of this amendment is implemented in a way that integrates the higher density area with the rest of the Midtown residential area south of Miracle Plaza, which remains in the Residential Preservation land use category.

Should this amendment be adopted, we urge the City to require development that occurs in the newly rezoned area adhere to the principles found in Ordinance No. 10-O-14AA, which provides design and development standards for the **Multi-Modal Transportation District (MMTD)**. Our Midtown neighborhood is located in the heart of the MMTD, and we believe these site- and neighborhood design principles provide the guidance to ensure that a new, higher density residential development is compatible with an established lower density neighborhood. If this amendment is adopted, it is vital that the City not grant variances or exceptions that would undermine the overall intent of the MMTD.

Important principles in the MMTD include those related to streetscapes, lot- and building configurations, parking, landscaping, and lighting. In particular, we believe the objective should be to design and build higher density properties to ensure a pedestrian friendly environment. Currently, because there are few sidewalks in the area, pedestrians must use the streets to walk through much of the area proposed for the land use change. This includes pedestrian trips to Miracle Plaza and Ninth and Terrace Park, walks on Terrace Street up to 6th Avenue for children going to school, or others simply walking to the Lafayette Park neighborhood.

To date, this has been less of a safety issue in our neighborhood because there are relatively few cars coming and going. However, vehicle trip counts throughout the neighborhood will increase significantly with higher density. Not only will this impact the proposed redevelopment area, it will increase the already stressed Ninth and Terrace Park, which serves as an important meeting place for children and their families for recreation. There are no sidewalks to, from, or around this park. The problem is

exacerbated when little league football and baseball games are played at the park many afternoons during the week, in some cases causing traffic jams as moving cars attempt to navigate around vehicles densely parked on both sides of the street.

A poll of the DayStar community found that the following were viewed as important principles related to the proposed land use change:

- Developing a safe, walkable street network
 - Separating pedestrians from the road;
 - Incorporating sidewalks throughout the neighborhood and connecting up to 6th Avenue to allow walking residents safe passage to schools and other neighborhoods, as well as providing pedestrian access east to Winthrop Park;
 - Integrating parking in ways that enhance the streetscape and de-emphasize cars – rear entry parking, alleys, shared driveways, etc.;
 - If offsite parking is expected to support a portion of the new housing units, the city should ensure that this is done efficiently and that there is enough street space to accommodate all expected cars; and
 - Configuring new landscaping, particularly trees, near streets to support and encourage walking. Good size shade trees should be invested in that will ultimately provide support for pedestrians.

- Encouraging and incentivizing a mix or range of housing types to allow residents who want to remain in the neighborhood to do so, and ensuring that a variety of housing types/sizes can be thoughtfully accommodated and maintained.
 - A number of residents already in the neighborhood own their smaller homes and want to remain. We request that the City consider partnering with the neighborhood to identify opportunities to improve sub-standard housing conditions of properties whose owners choose not to sell their homes to TALCOR. This could ultimately benefit the entire neighborhood, including longtime residents and newcomers.

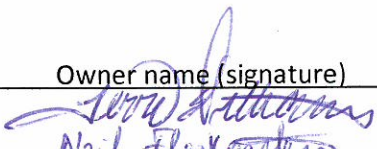
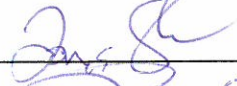
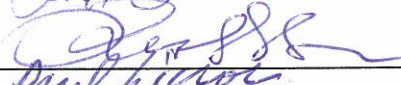
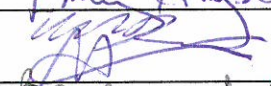
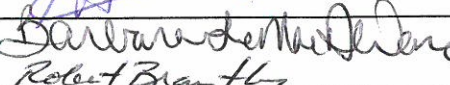

- If possible, preserving existing healthy trees, but as needed, ensuring that there is a substantial planting of new trees chosen for their ultimate ability to shade sidewalks and support pedestrian usage.

We encourage the Planning Department and the City to ensure these principles are addressed in the applicant's project, where appropriate, or are addressed by the applicable public agency concurrent with the impacts associated with the development.

In conclusion, we believe the proposed amendment provides a unique infill opportunity that, if done well, could serve as a model in Tallahassee for successful infill development and collaboration with existing neighbors.

Sincerely,

The residents of DayStar

| Owner name (printed) | Owner name (signature) | Street address |
|----------------------|--|-------------------|
| TERRI WILLIAMS |  | |
| Neil FleeKenstein | Neil FleeKenstein | 757 Hunter St. |
| WALTER MOORE | Walter Moore | 1503 PAYNE ST. |
| Marian Moore | Marian Moore | 1503 Payne St. |
| Thomas L. Clark | Thomas L. Clark | 1515 Payne St. |
| Margaret C. Clark | Margaret C. Clark | 1515 Payne St. |
| Richard J. Green | Richard J. Green | 1523 Payne St. |
| Tonya Chavis |  | 1511 Payne St. |
| Kirsten Ebbesen |  | 740 Hunter St. |
| Paul Nichols | Paul Nichols | 722 Hunter St. |
| Pat Nichols | Pat Nichols | 722 Hunter St. |
| Nate Johnson | Nate Johnson | 726 Hunter Street |
| ANN HINGST | Ann Hingst | 1507 Hunter St. |
| EMORY HINGST | Emory Hingst | |
| William Rogers |  | 1527 Payne St. |
| Nancy Muller |  | |
| BARBARA LEMHE DEVANE | Barbara Lemhe Devane | 756 Hunter St. |
| ROBERT M. BRANTLY | Robert Brantly | |
| Lei Zhu |  | 745 Hunter St. |
| NORA WITTRUCK | Nora Wittstruck | 744 Hunter St. |

cc: Mr. Barry Wilcox, AICP, Tallahassee-Leon County Planning Department
Ms. Cherie Bryant, AICP, Tallahassee-Leon County Planning Department

Calhoun, Sherri

From: Bill Brandt <billrents@gmail.com>
Sent: Tuesday, January 20, 2015 8:40 AM
To: Thomas, Debra
Subject: Follow-up of 2nd Open House -- Talcor

Ms. Thomas,

I would like to expand on the storm water discussion from last week's Open House meeting.

As I stated in the meeting, a paved service road, and three houses that generally face onto Hunter Street, were built in the middle of the block in 2009 and 2010. These houses are located at 714, 716, and 717 Hunter Street. The service road provides access to 716 Hunter Street. No storm water or drainage facilities were planned or built to accommodate the increase in storm water caused by these houses or the service road. Because of that the service road has become the storm water drainage facility for much of this area.

All of the surface storm water from the interior of the area bounded by 9th Avenue, Payne Street, and Pine Street, must find a way to Gwen Street. The natural flow of storm water, as we have heard in several meeting, is from north (9th Avenue) towards the south (Gwen Street). However, many of the homeowners have built solid wooden, six foot high fences running east-west along the service road. The effect of this is that water that naturally runs from north to south, towards Gwen Street, is forced east and west. Specifically, the storm water from this area is directed by the service road and the fences onto the eastern part of my properties at 1533 and 1535 Pine Street. From here the storm water is able to travel south again, towards Gwen Street, across the eastern part of the properties at 1541, 1545, and 1549 Pine Street. The water likely travels across the property at 1553 Pine Street or the adjacent properties at 713, 715, and 717 Gwen Street until it reaches Gwen Street where City catch basins collect the water and send it to area storm water facilities.

On October 16, I met with Jon Yarborough, City Public Works Operations, to access the erosion on my properties caused by this situation and see if a solution could be found. Mr. Yarborough suggested that the solution was to have a drainage facility, like a pipe or a gulley, connect the eastern end of my property with the existing drainage systems on Gwen Street. Of course to do that, some type of easement would be needed across the properties to the north (as described above).

The erosion on my Pine Street properties is significant but manageable as long as the water can continue to flow north to Gwen Street as describe above. However, we now have development plans underway for much of the property in this area including the properties between my property and Gwen Street. I am concerned that the planned development, or subsequent landscaping, fences, and driveways, will impede the storm water flow from my property towards Gwen Street and cause significant flooding. I am asking the Planning Department to assist me to find a way to obtain the needed drainage solution, and to work with the developer to find an appropriate storm water path to Gwen Street.

In the meeting it was said by Ms. Doherty that new development cannot cause more storm water to go onto adjacent properties than was present before the development. While I understand the theory of this, it has happened to me twice on Pine Street. Can you tell me the proper recourse when this occurs?

Thanks,
Bill Brandt
850/422-2399

Calhoun, Sherri

From: tim.orourke@stanfordalumni.org
Sent: Tuesday, January 06, 2015 2:44 PM
To: CMP_PLN_AMND
Cc: Young Jr., Edward
Subject: 2015 Comp Plan Public Comment Submission

- **Amendment:** PCM150101 Map
- **First Name:** Timothy
- **Last Name:** O'Rourke
- **Street Address:** 1569 Payne St
- **City:** Tallahassee
- **State:** FL
- **Zip:** 32303
- **Email Address:** tim.orourke@stanfordalumni.org
- **Comments:** Re: PCM150101 Date: 1/6/15 (via talgov planning website) I am the owner occupant of a single family residence on the north (dead end) section of Payne Street behind Miracle Plaza, just north of the parcels in applicant Talcor's portfolio; the county clerk's record for my house dates to 1932. I was aware of the residential preservation designations of my property and the surrounding neighborhood at the time I purchased my house. By historical map, the subject neighborhood has had residential preservation status since the adoption of the first Comprehensive Plan in 1990. The only street access to my property is by way of the same local neighborhood streets on which applicant's recently purchased parcels are sited and for which applicant seeks Urban Residential 2 (UR 2) land use designation and Medium Density Residential (MR-1) zoning designation. At cursory inspection, sixteen of the seventeen parcels in applicant's "jigsaw puzzle" map amendment currently have conforming residential preservation uses. If the re-designations applicant seeks were granted, the same re-designations could not be denied to many other currently conforming use property owners on the same local neighborhood streets. Nothing in the Comprehensive Plan's land use element supports such a result. Applicant has made no attempt to meet the requirements for planned development authorization under the Plan. Handing out permission for apartment building density development on a parcel-by-parcel, block-by-block basis on the local streets of an existing residential neighborhood is expressly discouraged by the Plan's pertinent land use category policy statements. Approval of the proposed map amendment would violate some of the most basic principles of the Plan and, for myself, would remove any value or purpose to the residential preservation designation of my conforming use property. I therefore take a particular interest in the outcome of this proceeding and comment accordingly. A. The UR 2 Land Use Category Cannot be Assigned to Applicant's Parcels Sited Within the Interior Street Pattern of an Existing Designated Residential Preservation Area. 1. The Plan's UR 2 Category Policy Statement Expressly Instructs Against the Result That Applicant's Proposed Map Amendment Would Purport to Accomplish. By statute, the Comprehensive Plan's standards for the use and development of land must be "meaningful and predictable." Fla. Stat. 163.3177(1). The Plan's governing statute further provides that, "[e]ach future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities." Fla. Stat. 163.177(6)(a)(1). The policy statement for the UR 2 land use category that applicant seeks for its parcels expressly instructs as follows: "the [UR 2] category is not intended to be applied within the interior of an existing designated residential preservation area." Comp. Plan, Policy 2.2.24. This restrictive language has been in place since the UR 2 category was adopted in 2006. It constitutes, in the terms of the Plan's governing statute, a standard for the "control and distribution of population densities and building and structure intensities" and, as such, must be followed. The UR 2

category's restrictive language reflects a recognition that the "population densities and building and structure intensities" anticipated by the UR 2 category (up to and including 20 dwelling units per acre and 3-story apartment buildings) are not appropriate for placement "within the interior" street pattern of a designated residential preservation area. Also, this restrictive language can be taken to reflect a recognition that, once the UR 2 designation were to be granted for any one interior parcel, the designation could not logically or lawfully be denied to other nearby and adjoining property owners who might want to assume the role of developer. And then there would be no more residential preservation area remaining for the existing conforming use property owner wishing to retain the benefits of residential preservation status. The UR 2 policy statement anticipates and bars any such result. By the express terms of the category's policy statement, the UR 2 category is not available for any measure of piecemeal (block busting) or wholesale displacement of the interior street pattern of an "existing" residential preservation area. Applicant's proffered map would, in most obvious fashion, purport to accomplish precisely what the UR 2 policy statement prohibits. Applicant's re-designated UR 2 parcels would be left surrounded on all sides by existing residential preservation designated properties and sharing the interior local street pattern with such properties in multiple directions. Application (9/26/14) Attachment 10 (final page). This evident conflict with the principles and requirements of the Plan may be taken as exacerbated by the "jigsaw puzzle" pattern of applicant's proposed map, which reflects the random nature of applicant's parcel purchases rather than any semblance of planning logic. But the fundamental objection to assigning the UR 2 designation "within the interior" of an "existing" residential preservation area would be pertinent whether applicant were presenting one parcel or seventeen and regardless of the "neatness" of the pattern presented. Approval of the proposed map amendment and assignment of the UR 2 land use designation in the manner sought by applicant would therefore violate the statutory duty to 1) hold the standards of the Plan "meaningful and predictable" and (2) observe the UR 2 category's pertinent prohibitory standard for "the control and distribution of population densities and building and structure intensities". Compliance with the Plan and governing statute requires that applicant's proposed map amendment either be withdrawn or recommended for disapproval. 2.

Applicant's Submission in Support of its Application Fails to Offer Any Justification for its Proposed Map Amendment that, in Principle, Distinguishes Applicant from Every Other Residential Preservation Property Owner in Every In-town Residential Preservation Neighborhood. Applicant could hardly have been unaware of the UR 2 policy statement's instruction against assigning the UR 2 designation "within the interior" of an existing designated residential preservation area. Nevertheless, applicant makes no attempt to deal with this language in the application materials submitted to the planning department and available for citizen review. Applicant also completely fails to address the pertinent specified question associated with required Attachment 8 to the application: i.e., "Is your request compatible with adjacent and nearby properties?" Application, Page 2 of 2. Taking matters one step further, in the available application materials, applicant can offer no justification why, under the principles of the Comprehensive Plan, applicant should be freed from the development restrictions that are generally applicable to residential preservation property owners and are generally understood to apply to properties purchased bearing a residential preservation designation. Applicant does claim that its proposed amendment would further the purpose of "great[er] density and variety of residential opportunities" for areas "in close proximity to the downtown and urban core". Application, Attachment 8. The Plan, however, expressly emphasizes the importance of the fact that the Downtown Overlay and "urban core" are, for planning purposes, "clearly distinguished" from their surroundings. Comp. Plan Vision Statement and Implementation at vii (page 3 of Statement). Applicant's submitted parcels and the subject Midtown neighborhood are not only not within the Overlay and "the core"; they are not remotely close to the boundaries of either. While the subject parcels are (just) within the outer boundary of the Multimodal Transportation District, the same can be said of a vast area of Midtown and Central Tallahassee far larger than the Downtown Overlay and "urban core." To presume that any street in any neighborhood within the MMTD (Lafayette Park, Frenchtown, Forest Heights, etc.) is effectively subject to the same density mandate as the "urban core" would render meaningless the supposedly "clearly distinguished" nature of the Downtown Overlay. In sum, if applicant were in fact entitled to the

approvals it seeks in this proceeding on no more than the basis asserted in its submitted application, then every residential preservation property owner on every local street of every residential preservation neighborhood sited within several miles proximity to downtown Tallahassee must be able to approach the planning department and demand the same entitlements. Since this is no one's idea of the significance of residential preservation status, there is evidently something fundamentally lacking in applicant's stated understanding of the Comprehensive Plan's vision.

3. The Siting of Applicant's Parcels Within the Interior Street Pattern of an Existing Designated Residential Preservation Area Prevents These Parcels From Being Treated as Their Own Separable "Area" Subject to Evaluation and Exception by the "General Criteria" of the Residential Preservation Policy Statement.

Given that applicant took a pass in its submitted application on addressing the most obvious pertinent issues, the next opportunity for citizens to be informed of any actual grounds that could, even in theory, justify the planning re-designations sought by applicant was the planning department's open house held 11/20/14. On that occasion, planning staff would, however, only mention an intention to "gather data" and apply some "criteria" in evaluating applicant's proposal. Although staff did not further specify, a review of the record of previous map amendment proceedings leads to the conclusion that staff's reference was to the "general criteria" set forth in the Comprehensive Plan's policy statement for the residential preservation land use category, Policy 2.2.3. In pertinent part, the policy statement reads as follows: "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 homogenous patterns 5) Assessment of stability of the residential area, including but not limited to: a) Degree of home ownership b) Existence of neighborhood organizations." Comp. Plan Policy 2.2.3. These "general criteria" are, by their terms, articulated as a guide for establishing an entire neighborhood as a residential preservation "area". Once such a residential preservation "area" has been established, nothing in the residential preservation policy statement suggests that these "general criteria" should be applied to except a parcel or parcels within the interior of this "area" from the residential preservation designation. There is potential for analytic confusion on this point because, in the typical run of cases in which planning applicants seek re-designation by map amendment away from residential preservation status, applicants do not in fact seek such re-designation for a parcel within the interior street pattern of an existing residential preservation area. In such cases as are typically presented (e.g., arterial street uses or undeveloped arterial or major collector frontage) it may be feasible to treat the parcel (or parcels) at issue as separable from the larger residential preservation "area" from which the planning designation "divorce" is sought. And, in such cases, certain of the "general criteria" of the residential preservation policy statement may be applied to the parcel(s) presented, considered as a separable "area", to justify the granting of differential planning treatment. Applicant in this case is, however, following a quite atypical path. Applicant is presenting a collection of parcels sited squarely within the interior street pattern of an existing designated residential preservation area and seeking authorization to pursue uses for these parcels that are incompatible and non-conforming with residential preservation status. On the face of the proposed map amendment, applicant's parcels are far too involved in the interior street pattern of the subject designated "area" to be considered conceptually separable and, as such, eligible to be focused upon as their own "area" (or "areas") for the purpose of evaluation (and possible exception) by the "criteria" of the residential preservation policy statement. Where planning "divorce", so to speak, is not an option, the standards set forth by the Comprehensive Plan for evaluating parcels sited within a designated residential preservation area are straightforward. If the parcel presents a conforming (or undeveloped) use (which, on initial appearance, is the case with sixteen of the seventeen parcels in applicant's portfolio) then the residential preservation policy statement envisions that this conforming use will be maintained or replaced with a new conforming use. If the parcel presents a non-conforming use (as is notably the case with only one of applicant's seventeen submitted parcels) then Policy 1.5.1 of the Plan establishes a framework for dealing with such an issue. The "general criteria" of

the residential preservation policy statement, properly understood, are therefore not an available avenue to a result that 1) is expressly prohibited by the pertinent standard of the UR 2 land use category policy statement and 2) must be avoided to maintain compliance with the Plan and governing statute: to wit, the assigning of the UR 2 designation to parcels "within the interior" of an "existing" designated residential preservation "area". The principled justification for the proposed map amendment that applicant fails to offer in its submitted application cannot be remedied by planning staff by this approach. 4. Any Staff-initiated Expansion of the Proposed Map Amendment Could Not Bring the Proposed Amendment into Compliance with the Standards of the Comprehensive Plan and Requirements of Governing Statute. When the fundamental problems with applicant's proposed map amendment were brought to applicant's and staff's attention at the November 20 open house, a suggestion was then (and only then) made of the possibility of a staff-initiated effort to modify and enlarge the proposed amendment. Or, at least, that was this citizen's interpretation of comments made by a citizen supporter of applicant (and as responded to by staff). Any such staff-initiated effort to expand the proposed map amendment to include parcels not owned by applicant would raise a number of issues, both procedural and substantive. The statutory duty for the Plan to be administered "in a consistent manner" and by standards that are "meaningful and predictable" would, in many respects and at the very least, be difficult to satisfy. Fla. Stat. 163.3177(1). In all events, the basic principles of the Plan preventing unplanned incompatible development in existing residential neighborhoods, and the specific instruction of the UR 2 policy statement against placing the UR 2 designation within the interior of an "existing" residential preservation area, would retain their pertinence. The conflict with the standards of the Comprehensive Plan that would follow from assigning the UR 2 designation in such a manner is too fundamental to be remedied. B. The MR-1 Zoning Designation Cannot Be Assigned to Applicant's Parcels Sited on Local Neighborhood Streets under the Standards of the Comprehensive Plan and the Provisions of the Development Code. Although the disposition of applicant's UR 2 land use category request should make further consideration of its concurrent request for an MR-1 zoning designation unnecessary, I comment to point out that, under the principles of the Comprehensive Plan and the provisions of the city land development code, the MR-1 designation cannot be appropriate for applicant's submitted parcels. Once again, the siting of these parcels on local neighborhood streets is of decisive significance. The development code standards for the R-4 zoning district (which has a maximum density of 10 du/ac) set forth the pertinent limiting principle most clearly and it is of general application: "Street vehicular access restrictions: Properties in the R-4 zoning district may have vehicular access to a local street if the density is eight or less dwelling units per acre. If the density is more than eight dwelling units per acre and ten or less dwelling units per acre, the site must have vehicular access to a collector or arterial street." City LDC, Section 10-247. As thus provided by code, no development at density greater than 8 du/ac can be approved for property sites with vehicular access to a local street. This specific language from the R-4 development standards is not repeated in the MR-1 development standards because it is not anticipated that property sites bearing the MR-1 density designation (8-16 du/ac) will have local street access at all. The MR-1 development standards (Section 10-250) therefore refer only to the Concurrency Management Ordinance, which requires evaluation of collector and arterial street capacity. There could be no logical and principled basis for allowing under the MR-1 designation that which is expressly prohibited by the development code's standards for the R-4 designation. The specified development density limitation of 8 du/ac for properties sited on local streets is also consistent with Policy 1.7.2 of the Comprehensive Plan, which requires that an area designated for the medium density residential development pattern must have arterial or collector street access. Turning now to the definitions of collector and local streets under the Comprehensive Plan, the Plan's glossary provides as follows: "LOCAL STREETS: (Rev. Effective 7/1/04) Local streets collect traffic from adjacent land uses and other minor streets (cul-de-sacs, loops, alleys, lanes and channel it to the collector/arterial system. Local streets are intended to carry the lowest traffic volumes at the lowest speeds, discourage through traffic (usually do not carry traffic between two streets of a higher classification), and to provide access to abutting land. MINOR COLLECTOR: (Rev. Effective 7/1/04) Minor collector roadways channel traffic from minor streets to the major collector/arterial system, between other collectors, and from activity centers to a street of higher

classification. Minor collectors provide access to adjoining properties and generally have lower volumes, shorter trip lengths, and fewer through trips than major collectors. MAJOR COLLECTOR: (Rev. Effective 7/1/04) Major collector roadways channel traffic between arterials, from other collector streets to the arterial system, and from a major activity center to the arterial street system. Major collectors may carry relatively high traffic volumes." Comp. Plan, Glossary XIII-8,9 Under these definitions, Harper, Gwen and Payne Streets, where fifteen of applicant's seventeen parcels are sited, are clearly "local" streets. The subject neighborhood has the character of a cul-de-sac and none of these streets serve through traffic. The north-south Payne is prevented from serving as a collector by being "cut off" at both ends; its southern impairment burdens a fourth local street: Hunter. As local streets, Harper, Gwen and Payne are all inappropriate under the development code and the Comprehensive Plan for development at density greater than 8 du/ac. The narrow local Hunter, although not a development site, would also be inappropriately burdened by traffic traveling to and from Payne in contradiction to the purposes of the development code access standards and the access standard of the Comprehensive Plan for the medium density residential pattern. These facts in themselves must foreclose consideration of the medium density residential pattern and the MR-1 zoning designation for the great bulk of applicant's parcels. Pine St, where only two of applicant's parcels front (separated from the remainder), can be construed as a "minor collector" for this neighborhood but is itself significantly impaired. While Pine does shortly reach the six-lane arterial Thomasville Rd at Pine's northern terminus, the intersection is uncontrolled; an exiting westbound left turn is impossible and the entering southbound left turn hazardous. There is no apparent feasible means of controlling this intersection without unacceptable disruption to Thomasville. Even more importantly, Pine is completely frustrated in serving the appropriate purpose of a collector for the neighborhood in its southern direction: Pine dead ends before reaching the arterials 7th and 6th Aves, where it finally resumes. This gap in Pine's continuity diverts traffic to (and burdens) narrow local streets, again in direct contradiction to the purposes of the development code's vehicular access standards and the Comprehensive Plan's articulated access standard for the medium density residential pattern. At the 11/20/14 open house, one resident cited historical discrimination as being at the root of the the subject neighborhood's impaired street connections to the outside world. Regardless of actual root cause (or causes), the neighborhood's street pattern is not suitable for the density demands (emergency access included) of the MR-1 zoning designation. This designation cannot be approved for applicant's parcels in this neighborhood in compliance with the principles of the Comprehensive Plan and the express provisions of the city land development code. C. Existing RP-2 Zoning Development Standards for Applicant's Parcels Allow for a Very Substantial Increase in Effective Population Density and Managing the Consequences of Such an Increase for the Existing Neighborhood is the Appropriate and Required Focus of Planning Efforts under the Standards of the Comprehensive Plan. The UR 2 land use category's prohibition against assigning the UR 2 designation "within the interior" of an "existing" designated residential preservation area is not a bar to development and planning efforts that may greatly increase both population density and, under RP-2 zoning, attached housing residential opportunities. For example, two 600 square foot cottages on adjoining lots may, consistent with RP-2 zoning, be replaced by a 3-story duplex structure of 4+ bedrooms each, attached across the parcel line to maximize interior space approximating 4000 square feet (or more). In this example, there is no change in dwelling unit density but an extreme change in effective population density and demands placed on pertinent neighborhood infrastructure. This example is, of course, not randomly chosen. On cursory inspection, fourteen of the seventeen parcels in applicant's portfolio are currently occupied by cottage-type housing of minimal interior square footage; another two of applicant's parcels are undeveloped entirely. And applicant's representative at the November 20 specifically asserted an intention to build attached 3-story structures on its parcels to substitute for current uses and occupy its undeveloped lots. No alteration of the subject neighborhood's existing RP-2 zoning designations is necessary to permit development of 3-story attached housing, at least so far as duplexes (or two unit attached townhouses) are involved. Even under RP-2 limits, such development would transform the subject neighborhood and pose formidable challenges for the limited capacities of the existing neighborhood infrastructure (traffic flow, street width, parking, storm water,

etc.) The fact that many of applicant's parcels present a historic legal lot density in excess of the general 6 du/ac standard for the residential preservation land use category only serves to amplify 1) the opportunity the current circumstance presents for an increase in effective population density with no "upgrade" in land use category and 2) the challenges that would already be presented for existing infrastructure by development taken to the limits allowed by the current RP-2 zoning designation. As a matter of Comprehensive Plan principle and precedent reflected on city-wide parcel maps, the presence of a grouping of legal lots with density in excess of 6 du/ac within the interior of an existing RP-2 neighborhood is not a rationale for presuming either the parcels' or the neighborhood's suitability for development at an even much greater dwelling unit density level than historically presented. . The current circumstance therefore presents, under existing RP-2 zoning standards, both significant opportunities and significant planning challenges for development that could very substantially increase the effective population density of applicant's parcels and provide new attached housing opportunities for neighborhood residents. The existing RP-2 standards are fully appropriate to provide a framework for managing these challenges; no basis exists for these standards to be displaced in favor of designations expressly deemed inappropriate by the Comprehensive Plan for assignment to parcels sited on the local streets of an existing residential preservation neighborhood. Applicant's proposed map amendment should therefore either be encouraged for withdrawal or recommended for disapproval. Respectfully submitted, Timothy J. O'Rourke 1569 Payne St Tallahassee FL 32303

Calhoun, Sherri

From: Tim O'Rourke <tim.orourke@alumni.stanford.edu>
Sent: Saturday, January 10, 2015 8:28 AM
To: Thomas, Debra
Subject: Re: 2015-1 Comp Plan Amendments Preliminary Reports Online

Ms. Thomas,

Since we have not previously communicated, I presume you took my email address from the comment I submitted through the talgov website on applicant's original map amendment, just before the issuance of the staff report recommending map expansion. I will first say thank you for this email, but I must also say that I am disturbed by the lack of observance of orderly procedure that seems to have overtaken these proceedings.

I was the citizen at the November 20 open house who brought up the fact that applicant's proposed "jigsaw puzzle" map could not, on its face, even plausibly be considered for approval. So, from that perspective, I am not entirely surprised that an attempt to expand the map has occurred.

However, as you may recall, in direct response to an inquiry I posed at the open house, your colleague Ms. Dougherty specifically stated that a revised map would be "re-noticed". I of course took this to mean that I would receive proper individual notice if the planning department decided upon an attempt to deprive my property of its current planning designations. I of course also presumed there would be a renewed comment period after such re-noticing, given that the revised map would create a new universe of both 1) citizens directly affected and 2) citizens within 1000 feet of the subject parcels reflected on the revised map.

To my knowledge, no such re-noticing has taken place. Yet, from all appearances, staff appears intent on rushing through the final workshop scheduled for Thursday upcoming without affording any reasonable period for proper comment on the revised map.

At the personal level, it was very disturbing for me to have to learn by a staff report sent to the world at large not only that my homestead property has been included in the proposed map amendment, without my acquiescence, but that such map amendment has already been recommended for planning department approval. I'm quite sure you would not appreciate being dealt with in that manner with respect to your own home.

My concern over the lack of observance of proper procedure is greatly compounded by my reading of the staff report and by noting the weight that staff is attaching to alleged communications between the applicant developer and selected area residents with whom applicant chooses to communicate. I can tell you that I have never been invited to, nor advised of, any of the "numerous" meetings the staff report alleges to have occurred between applicant and certain area residents. It is my impression that the area residents with whom applicant chooses to communicate are not those, such as myself, who are most directly affected. And it would appear that none of the alleged "numerous" meetings were subject to Florida Sunshine disclosure rules.

As set forth in the report, staff is using its interpretation of resident concerns as expressed in these unofficial meetings (and as somehow communicated to staff) as the rationale for creating a special zoning district that staff alleges will adequately resolve all such pertinent concerns. No public comment or participation in this zoning district revision process is invited. This zoning district revision process seems very unlikely to be completed before the final map amendment workshop upcoming this week and no lead time is given for it to be completed before the scheduled Local Planning Agency action hearing on February 3.

The violations of the requirements of orderly process for comprehensive plan map amendments reflected by the above facts are almost too numerous to detail. I respectfully suggest that the original planning department workshop and approval schedule must be modified to accommodate the unusual nature of this proceeding. The number of parcels being added to the proposed map is very large and, for myself, I can affirm that I am not acquiescing to the amendment either as a whole or as it applies to my own property.

As remedies, and as I again respectfully suggest:

- 1) A proper direct mail re-noticing of the proposed expanded map amendment should issue forthwith (if such re-noticing is not already in process);
- 2) The staff workshop scheduled for this week should either be postponed or an additional workshop added at which proper comment on the revised map and the proposed special zoning district can be considered;
- 3) The LPA action hearing now scheduled for February 3 should be postponed, as should all subsequent pertinent scheduled hearings of various agencies and commissions now scheduled for the month of February;
- 4) Staff's preliminary recommendation of expanded map approval should be withdrawn in favor of a neutral stance pending comment received;
- 5) Staff should expressly disavow any reliance on reports of alleged meetings and communications between applicant in this matter and selected area residents, where such meetings and communications are not subject to Florida Sunshine disclosure requirements.

Thank you very much.

Tim O'Rourke
1569 Payne St

On Fri, Jan 9, 2015 at 6:05 PM, Thomas, Debra <Debra.Thomas@talgov.com> wrote:

Good afternoon,

The preliminary staff reports for the 2015-1 Comprehensive Plan Amendment Cycle are online and available by clicking "View Staff Report" under the description for each amendment (see link below). Thanks!

<http://test.talgov.com/planning/planning-compln-2015-1-amnds.aspx>

Debra Thomas, Senior Planner

Tallahassee–Leon County Planning Dept.

Comprehensive Planning & Urban Design

Ph. [850-891-6400](tel:850-891-6400); Fax [850-891-6404](tel:850-891-6404)

Debra.Thomas@Talgov.com

<http://www.talgov.com/planning/PlanningHome.aspx>



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 email communications may therefore be subject to public disclosure.

From: [Bill Brandt](#)
To: [Thomas, Debra](#)
Subject: Talcor Midtown Project
Date: Saturday, February 14, 2015 11:49:50 PM

Debra L. Thomas
Community Involvement Planner
Comprehensive Planning & Urban Design
February 14, 2015

Dear Ms. Thomas:

I see from the amended Talcor Midtown Map Amendment request that my properties at 1533 and 1535 Pine Street have been included in the project as I had requested, as well as many other adjoining properties. I thank you for including my properties. However, I also see that the request has been modified for a change to UR, allowing 10 units per acre rather than UR-2, which allows 20 units per acre. As I explained in my letter to you of December 1, 2014, my properties were originally developed in 1978 at 12 units per acre under 1978 development codes and were subsequently "down-zoned" by the City so that they are now non-compliant. Under this new request to 10 units per acre, my properties will remain non-compliant.

Perhaps there is a category of UR-1 at 15 units per acre that is appropriate for my properties that would bring them into compliance. If so, please consider this my formal request to include my two properties in this change to UR-1. I do not know what zoning category corresponds to 12 units per acre, but that category would be appropriate for my properties.

I would be interested in learning if there is another way to bring my properties into compliance at 12 units per acre. Please let me know.

I am supportive of the Talcor Project as amended, with the stipulation that existing infrastructure concerns that have been identified, including storm water management, be addressed during the development cycle.

Sincerely,

William M. Brandt
422-2399
billrents@gmail.com

Calhoun, Sherri

From: Bryan Desloge <DeslogeB@leoncountyfl.gov>
Sent: Wednesday, February 04, 2015 10:48 AM
To: bsantini53@gmail.com
Cc: Burke, Katherine; Holloway, Stephanie; Long, Vince; Park, Tony; Hodges, Steven M; Tedder, Wayne
Subject: Fwd: : Withdrawals of Proposed Comprehensive Plan Amendments - Water Issues on Broken Bow Trail

Beverly, I'm forwarding your e-mail to our Planning Department staff so that they too are aware of your concerns with the proposed comp plan amendment for Chastain Manor and the concerns of the adjacent residents. I assure you I will take your comments into consideration when this development comes before the Commission.

On the stormwater issues you mentioned, this is the first I've heard of the problem and I'm pleased to be of assistance. I'm asking Leon County Administrator Vince Long to have our Public Works staff study what's causing the increased stormwater entering your property and determine if there are options available to correct those drainage issues. Thank you for bringing this to my attention. I welcome you being my eyes in the district and hope that you'll let me know if there are other concerns. Please don't hesitate to contact me. Hope all's well with you. Have a great day!

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Bev Santini <bsantini53@gmail.com> 2/4/2015 8:23 AM >>>

Dear Mr. Desloge,

This email is to join the chorus of my neighbors who are more than concerned about withdrawal of the Proposed Comprehensive Plan Amendments for Chastain Manor. We have had water run-off issues for years on Broken Bow Trail and with the recent so-called road pavement revisions and additional curbs, it is now worse than ever especially on my property 1777 Broken Bow Trail. With the slightest rain, I have standing water in my driveway for days afterward. The problems this poses are unacceptable. They include not being able to get my daily mail without sloshing through deep puddles of water and, even more critical now, is that it **prevents my 86 year old mother from getting her daily walking exercises as prescribe by numerous physicians**. She is literally stuck within the top 2/3's of my driveway without access to the street for days on end.

I have pictures & video that I would be more than happy to share with you. Knowing that there is a possibility to amend the Lake Protection Plan is more than troubling. The water runs like a river (complete with small rapids) on both sides of my home whenever it rains. It has completely destroyed my yard (which once sported a beautiful lawn) and impacts my ability to sell my home. It is unfortunate that I must consider moving up my sell date because a new development, that will have a tremendous environmental impact to this area, is on the agenda.

I know you value your role as a public servant...it's time for you to truly be of service to those who elected you!

Regards,

Beverly Santini
1777 Broken Bow Trail
Tallahassee, FL 32312

Calhoun, Sherri

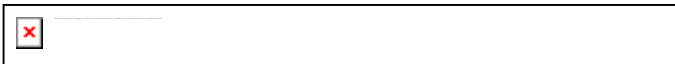
From: DeslogeB@leoncountyfl.gov
Sent: Wednesday, February 04, 2015 12:40 PM
To: Beaumont, Greg
Cc: Hodges, Steven M; Long, Vince; Tedder, Wayne; Favors Thompson, Anita; sabeaumont@comcast.net
Subject: Re: FW: Withdrawals of Proposed Comprehensive Plan Amendments
Attachments: ATT00001

Greg, I'm forwarding your e-mail to our Planning Department staff so that they too are aware of your concerns with the proposed comp plan amendment for Chastain Manor and the concerns of the adjacent residents. I assure you I will take your comments into consideration when this development comes before the Commission. Thanks for contacting me with this issue and please don't hesitate to let me know if you have other concerns. 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
>>> "Beaumont, Greg" <GBeaumont@admin.fsu.edu> 2/4/2015 6:53 AM >>>

Commissioner Desloge,

I want to add my voice to that of my wife's and our neighbors in our strenuous objection to amending a Lake Protection plan that was put in place for good reason to start with. Our area lakes do not need less protection as would derive from increasing density in areas that have long been designated in such a way as to protect our environment. The argument that one's property value may be enhanced by increasing the density of development is obviously logical, but that same argument lies on a slippery slope of rampant development to the detriment of established neighborhoods and our north Florida environment.



Sincerely,

Greg Beaumont, Ph.D.
Associate Dean
Senior Associate Athletics Director
Director of Student-Athlete Academic Services
UCD 3103
Florida State University

Tallahassee, FL 32306-2340
Office: 850.644.5938
Cell: 850.228.0558
gbeaumont@admin.fsu.edu

From: sabeaumont@comcast.net [mailto:sabeaumont@comcast.net]
Sent: Tuesday, February 03, 2015 5:52 PM
To: Wayne Tedder
Cc: Bryan Desloge; Thiele, Herbert; Steven M Hodges; Barry Wilcox; Cherie Bryant (Planning)
Subject: Re: Withdrawals of Proposed Comprehensive Plan Amendments

Mr. Tedder,

I appreciate your rapid response to my email and to Commissioner Desloge's inquiry. I would like a conversation with Barry Wilcox regarding this matter and I would like for that conversation to take place at a time my neighbors on Broken Bow Trail can be included. Any amendments to the LP designation that allow for greater density, as in the project Mr. Chastain is proposing, need explanation.

Again, thank you for your prompt reply. I look forward to hearing from you and get a clearer picture of the proposed amendment.

Sharon Beaumont

From: "Wayne Tedder" <Wayne.Tedder@talgov.com>
To: "Bryan Desloge" <DeslogeB@leoncountyfl.gov>, "Sharon Beaumont" <sabeaumont@comcast.net>
Cc: "Herb Thiele" <ThieleH@leoncountyfl.gov>, "Steven M Hodges" <Steven.Hodges@talgov.com>, "Barry Wilcox" <Barry.Wilcox@talgov.com>, "Cherie Bryant (Planning)" <Cherie.Bryant@talgov.com>
Sent: Tuesday, February 3, 2015 4:34:32 PM
Subject: RE: Withdrawals of Proposed Comprehensive Plan Amendments

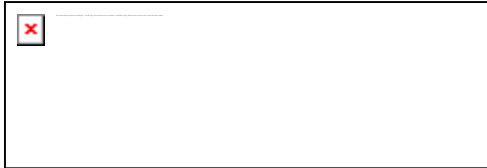
Ms. Beaumont,

A number of the area neighborhood members are aware that the proposed Lake Protection Comprehensive Plan amendments, if approved, will provide some additional development rights for the node at the intersection of Bannerman Road and Bull Headley. The boundary limits of the node reaches the Chastain property. Barry Wilcox (who is copied on this email) will be glad to assist with the full details should you desire a meeting or a conversation with staff to become more informed.

Please note that I removed Commissioner Dailey from this email so as to not violate sunshine laws regarding discussions with 2 or more commissioners outside of a publicly noticed meeting.

Thanks,

Wayne Tedder, AICP | Director of PLACE
435 N. Macomb Street, Tallahassee, Florida 32301



From: Bryan Desloge [<mailto:DeslogeB@leoncountyfl.gov>]
Sent: Tuesday, February 03, 2015 5:15 PM
To: Sharon Beaumont
Cc: John Dailey; Thiele, Herb; Hodges, Steven M; Tedder, Wayne
Subject: Re: Withdrawals of Proposed Comprehensive Plan Amendments

Herb and Wayne, could you help me with a response for Sharon as I don't know the answer? Sharon, we'll be in touch with how this affects the project! Let me know if 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

>>> Sharon Beaumont <sabeaumont@comcast.net> 2/3/2015 5:11 PM >>>

Bryan,

Are you able to explain to me what Mr. Tedder is referring to when he states that Benny Chastain will wait on the LP amendment to see if it will be beneficial to him. I am a bit afraid this is an end around with the same results he wanted in the beginning. If that is the case, that is not okay.

I would appreciate being kept in the loop on this one. Thank you.

Sharon Beaumont
Sent from my iPad

> On Feb 3, 2015, at 2:59 PM, Bryan Desloge <DeslogeB@leoncountyfl.gov> wrote:

>
> I was contacted by each of you recently regarding the Comprehensive Plan Amendment proposed by Benny Chastain as the applicant for the property off Bull Headley. Just wanted to let you know the request was WITHDRAWN this afternoon and will not be heard by the Planning Commission tonight or the County Commission at the Comp Plan Workshop next week. Just wanted to make sure all of you are aware of this request. Thank you for contacting me with your concern. My best to all!

>
>>
>>
>>
> Bryan Desloge
> Leon County Commission
> District IV Commissioner
> 301 S. Monroe St.
> Tallahassee, Fl. 32301
> 850-606-5364
> deslogeb@leoncountyfl.gov
> <mime-attachment>

Perrine, Beth

From: Jeff Phipps <jflipps@gmail.com>
Sent: Wednesday, January 14, 2015 6:25 PM
To: Hodges, Steven M
Cc: George Lewis; Walt Dartland; Wilson Wright; Alan Niedoroda; Wiebler, Brian T.; Tyler Macmillian
Subject: Comprehensive Plan amendment Lake Protection, draft September 26, 2014

Mr. Hodges,

I was hoping that the plan changes would have been more meaningful than this draft. Our Comprehensive Plan has a problem of promoting *Suburban Sprawl* when there are solutions available in the industry which can repair some of the damage from *suburban* development. Those solutions are clearly outlined in the "Smart Codes" suite of solutions, and are only partially utilized in the draft of the above date.

For example, what is the criteria used to determine the three nodes? The selection of those nodes is arbitrary if it is not determined by some sort of algorithm in the language.

Another example is that the density of clustered homes, and the single family limitation is arbitrary with respect to the goal of reducing the cost of depreciable infrastructure like utilities and roads measured against the open space that is generated when you increase the density of allotted residences. In other words, if the text allowed some sort of congregate living structures instead of single family, the reduction in infrastructure, and the preservation of open space would be greater.

Finally, FOLJ members were uncomfortable moving forward on the Red and Sams Node without further clarification that buffers to the lake would be appropriate; and this is not apparent in the language provided. This is at least my recollection of the presentation you made to FOLJ in 2014.

I have land under contract with developers of *Suburban Sprawl* in the LP category because that is the highest and best use of the property as measured by the payoff to the developer and to the landowner. This is not the highest and best use as measured against the quality of life of the citizens in our community, but because of the constraints of the Plan, the Codes, the lending sector, and the customer base; it will close next week. This is tragic given my extreme frog hugger attributes, but I could wait no longer for the regulatory community to catch up with the times.

If the building community is going to take any chances towards the "*Smarter*" growth, they must be clearly rewarded in the plan and in the codes for doing so. You can not leave it all up to staff, that is not enough for the development community. Our community can not afford to delay any further in changing the form of our development patters; a one dimensional strategy like the Urban Services Area has proven itself ineffective in thwarting *Suburban Sprawl*. *Suburban Sprawl* is still the highest and best use as evidenced by the developments we see going into every quadrant of our community.

Sincerely,

Jeffrey Phipps

Calhoun, Sherri

From: Tedder, Wayne
Sent: Tuesday, February 03, 2015 4:33 PM
To: Planning - Comprehensive Planning; Bryant, Cherie (Planning)
Subject: FW: LP comp plan text amendments

Wayne Tedder, AICP | Director of PLACE
435 N. Macomb Street, Tallahassee, Florida 32301



From: Bryan Desloge [<mailto:DeslogeB@leoncountyfl.gov>]
Sent: Tuesday, February 03, 2015 4:26 PM
To: Long, Vince
Cc: Favors Thompson, Anita; Tedder, Wayne
Subject: Fwd: LP comp plan text amendments

Just making sure all of you are aware of his concerns. I didn't see any of you copied.

Bryan Desloge
Leon County Commission
District IV Commissioner
301 S. Monroe St.
Tallahassee, Fl. 32301
850-606-5364
deslogeb@leoncountyfl.gov

>>> Jeff Phipps <jflipps@gmail.com> 2/3/2015 3:37 PM >>>
Dear Mr. Jones;

Through the efforts of the planning department, I have been made aware of the effort to revise the Lake Protection sections of the Comprehensive Plan and Zoning codes. I am pleased that our community is embarking on an effort to bring our planning rule up to the industry standard in terms of sustainability.

Fortunately, the planning industry has codified the best standards in what is commonly known as "*form based zoning*" of which the "Smart Codes" are a primary example. The plan to create a *Lake Protection Node* category is step in the right direction.

I suggest that the planning department adopt form based zoning as the de facto code for this new category now, before the public comment process is completed. There is no reason to frighten stake holders with the unknowns of a TBD zoning code change when the best available is already printed for the citizenry to read and comment on. The codes are readily available by searching "Smart Codes" on your computer.

The present matrix of development rules in the Comprehensive Plan, and the Development Codes fosters Suburban sprawl within the Urban services area. Suburban sprawl is a sickness that the Plan was meant to cure when it was written. However, that is the only form of development that the undeveloped area of this community has experienced in the last three decades, with few exceptions. We need to act now to save millions in quality of life equivalents over the next decades.

I am thankful that the Commissioners have asked the planners to address this opportunity, and the open process of collaboration and public input. Please consider the thoughtful comments of the Friends of Lake Jackson as they relate to water quality protection.

Please ask your staff planning professionals about the applicability of form based zoning to the *Lake Protection Node* category.

Sincerely,

Jeffrey Phipps

Dear Members of the Tallahassee/Leon County Planning Commission, sitting as the Local Planning Agency:

Lake Jackson is one of the most precious natural resources in Leon County. It has been designated an Outstanding Florida Water and is Florida's only lake that is a freshwater Aquatic Preserve. Lake Jackson is a superb representation of karst lakes as its only outlet is regular or catastrophic flow down sinkholes, directly to the Floridan Aquifer and ultimately to Wakulla Springs.

The Lake Protection Future Land Use category was created in 1990 specifically for Lake Jackson and with the primary goal of protecting the lake from the impacts of additional development. This protection is provided by regulation of land uses, intensity and density of development, and of the greatest importance, the standard of treatment for stormwater runoff from development.

We believe the most critical elements of limiting impact from development and protecting the lake must be made explicit in Comp Plan policy. The Comprehensive Plan is the overarching policy that sets the intent and limits to implementation of this intent. Development cannot deviate or be provided with variances to Comp Plan policies.

Implementation is done in the Land Development Code (LDC). **Implementation of the LDC provides some flexibility of interpretation to account for site-specific conditions and development ideas, which means that exceptions, deviations, and variances can be made based on Staff considerations and decisions by the Board of Adjustment and Appeals or the County Administrator or designee.**

We have appreciated the time staff has spent with us to discuss our concerns with the proposed Lake Protection amendment. **It is clear that we and staff share the same intent of lake protection and share many of the same ideas on how to realize this intent. Where we do differ, however, is where the intent is best realized: in explicit language in the Comp Plan or in implementation language of the Land Development Code (LDC).**

We ask that the Planning Commission sitting as the Local Planning Agency recommend that explicit standards for the most important impacts of development be placed in the Comp Plan so that the entire community will be assured of consistent implementation of these standards and that any change to them will require a lengthy, results-driven, review by staff, the public, and our elected officials.

In addition, the Friends of Lake Jackson recommend that before any changes are made to the Lake Protection category, the City and County Commissions should initiate an in-depth review of the existing data and literature relevant to the past and present condition of Lake Jackson, and authorize the collection of additional data, to be followed by careful scientific review, to bring forward a design for the controls that may be effective in restoring Lake Jackson to its earlier preeminence. If that is not to be considered, at least the proposed changes should be considered and evaluated by the Leon County Science Advisory Committee and the Water Resources Committee before any changes are adopted.

In the following pages we have provided changes to the proposed amendment that make the stormwater standard explicit for both new development and redevelopment. We also provide changes for other aspects of the amendment that keep its focus on the current conditions of the lake and the tasks of its protection.

1. **Make the stormwater standard explicit for new and redevelopment.**
[Changes are to the 1-28-15 proposed version of PCT150104 in strike and add format]
3. ~~*A volume control based stormwater treatment standard shall be required for development and redevelopment within the Lake Protection land use category.*~~
All uses that are approved for development subsequent to May 26, 2015, shall retain all post-development stormwater on site for all storm events up to and including the 50-year, 24-hour duration storm. One-half of the retention volume shall be recovered within seven days, and the full volume shall be recovered within 30 days. [Paraphrase of Section 10-4.301(3)(b) and (4), Leon County Code, as has been applied to non-residential uses in Lake Protection since March 15, 1992.] These requirements shall be further specified in the City of Tallahassee and Leon County Minimum Countywide Environmental Standards.
2. **Make it clear how non-conforming properties will be required to comply with the stormwater standard.**
 5. ~~*Existing, lawfully established non-residential uses within the Lake Protection land use category that are compatible with surrounding uses and meet all water quality standards, as specified within the land development regulations, will be considered permitted uses, and that met all water quality standards for its respective use at the time of its development shall be considered a permitted use; provided, that upon any change of use or redevelopment of the site, the property shall be brought into compliance with the retention standard prescribed in Paragraph 3 above.*~~
3. **Revise Residential Development policy**
 - a. **Prevent conversion of undeveloped land to conventional residential subdivision and promote cluster development**
 - b. **When is conventional subdivision a cluster development?**
 - c. **Community Services with high intensity allowance can create incompatibility**
4. **Do not allow parcels of Lake Protection FLU to change to other more intense or less protected FLUs. Do not extend the Lake Protection FLU outside the USA.**
5. **The terminology “sustainable development” must be defined in the Comprehensive Plan if it is used in the important role as a primary intention**

of a Lake Protection Future Lane Use. Preservation of Lake Jackson requires protection of its entire ecosystem not just water column quality.

The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in ~~a sustainable and an~~ environmentally sound manner with minimal impact to water quality and ecosystem function.

- 6. The opening statements in the intent appear to be in contradiction with the policy that follows and also appear to be rather gratuitous given the significant impairment of Lake Jackson.**

Historically, ~~The lake has suffered from~~ water quality issues associated with rapid urbanization and roadway projects. ~~In recent years, water quality within the Lake Jackson has been improving, but~~ Lake Jackson is an impaired water body and development within the lake basin continues to be an area of concern a source of degradation.

Thank you for your time and consideration.

The Friends of Lake Jackson.

Reasons for Our Requests:

1. Make the stormwater standard explicit for new and redevelopment.

The most significant impact of development is the pollutants contained in its stormwater runoff. Therefore, lake protection cannot occur without a strong and fully implemented stormwater standard. The existing LP FLU states the standard as:

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

The proposed LP FLU provides no standard, only that a standard will be based on volume control.

A volume control based stormwater treatment standard shall be required for development and redevelopment within the Lake Protection land use category.

The new language provides no guidance, no indication, nothing about what the Land Development Code (LDC) can actually allow or require. However, the County stormwater engineering staff have developed a standard they believe will provide substantial and hopefully, sufficient treatment. They have also recommended that this standard be required of all new development and redevelopment regardless of the type of use to the extent allowed by constitutional limitations. This is a very welcomed increase in the scope of the application of the standard.

However, the essential components of this standard must be explicitly stated in the Comp Plan so that what is required to be enforced and complied with, is absolutely clear to everyone: citizens, staff and elected officials.

To that end we request the following changes be adopted:

3. *~~A volume control based stormwater treatment standard shall be required for development and redevelopment within the Lake Protection land use category.~~ All uses that are approved for development subsequent to May 26, 2015, shall retain all post-development stormwater on site for all storm events up to and including the 50-year, 24-hour duration storm. One-half of the retention volume shall be recovered within seven days, and the full volume shall be recovered within 30 days. [Paraphrase of Section 10-4.301(3)(b) and (4), Leon County Code, as has been applied to non-residential uses in Lake Protection since March 15, 1992.] These requirements shall be further specified in the City of Tallahassee and Leon County Minimum Countywide Environmental Standards.*

2. Make it clear how non-conforming properties will be required to comply with the stormwater standard.

Paragraph 5 of the proposed language describes how development located in the Lake Protection category that becomes non-conforming in terms of land use can be made conforming, as long as it meets certain criteria, especially when it comes to the stormwater treatment standard. Staffs' proposed language does not explicitly differentiate between the standard at the time of permitting compared to the current standard. We request that properties that are non-conforming in use be explicitly required to meet the current standards upon redevelopment or with any change in use. This is the window of opportunity to mitigate and retrofit stormwater facilities of development that is not protective of the lake.

5. *Existing, lawfully established non-residential uses within the Lake Protection land use category that are compatible with surrounding uses ~~and meet all water quality standards, as specified within the land development regulations, will be considered permitted uses.~~ and that met all water quality standards for its respective use at the time of its development shall be considered a permitted use; provided, that upon any change of use or redevelopment of the site, the property shall be brought into compliance with the retention standard prescribed in Paragraph 3 above.*

3. Revise Residential Development Policy

a. Prevent conversion of undeveloped land to conventional residential subdivision and promote cluster development

Cluster subdivisions provide more housing with the equivalent stormwater runoff of large-lot conventional subdivisions. But to achieve cluster density on the developed portion of the site, urban services have to be provided which can be expensive to the developer because of the relative lack of their availability in the Lake Protection FLU. Also, cluster development creates small homes on very small lots. This is a substantially denser and more urban form of residential development than is common in Lake Protection. These are factors that have most likely contributed to the relative lack of use of the cluster provision.

In order to create over time more residential development through clustering, it is important to reduce the rate of conversion of undeveloped land to large lot development while urban services are not readily available. Simply increasing the allowable density in cluster development by 400% over conventional development may not be enough considering the cost of providing urban services and the much

lower profit on small houses and lots.

Therefore, we suggest that the density allowance of conventional subdivision be reduced to 1 unit per 4 acres (or less) and that efforts be made to extend COT sewer or facilities equivalent in wastewater treatment level and quality of management and maintenance to more of the Lake Protection FLU and its included land uses.

b. When is conventional subdivision a cluster development? Need for large minimum lot size and a minimum parcel size.

Only density is specified for conventional subdivision, not minimum lot size. Therefore, a conventional subdivision could be built on septic tanks with numerous lots of 0.5 acres and a few lots of much greater than 2 acres, which include the environmentally constrained portion of the original parcel. This would result in a “conservation easement” on someone’s back yard instead of the more formal and permanent designation and management by an HOA of Open Space in a cluster development. Even with the huge density bonus provided for clustering, the cost of providing sewer may far outweigh the results of creative site planning with septic tanks.

The other consideration is whether clustering should be an option on all parcels, including relatively small ones that will not result in substantial acreage of open space.

The constraints and incentives for conventional and cluster subdivision, with and without provision of wastewater infrastructure need to be thought through more carefully so that the full intent of creating more residential development is achieved and results in reduced environmental impact using smart growth principles.

Recommendations:

1. Retain the minimum lot size for conventional development of at least 2 acres.
2. Decrease allowable density for conventional subdivision to 1 DU/4 acres (0.25 DU/acre)
3. Require a maximum lot size for cluster development of 0.25 acres.
4. Require a minimum parcel size for cluster development of 10 acres.

5. These requirements must be coordinated in order to create the effect of promoting cluster development when it can be done with an efficient use of land and limiting conventional development to when clustering is never apt to be realized.

Here is a table that describes the existing and proposed residential development and their comparable allowable densities. But there are no minimum lot sizes.

| Location and Type | Density of Dwelling Units (DU) | Open Space Requirements | Example of Parcel Development Results - 20 acre parcel | Density of DU on Developed Acres |
|------------------------------|--|-------------------------|--|----------------------------------|
| County & City - Conventional | 0.5 DU / gross acre | None | 10 DU on 20 acres | 0.5 DU |
| County Cluster | 2 DU/developed acre 0.8 DU / gross acre | 60% | 16 DU on 8 acres | 2 DU |
| City Cluster | 1 DU/gross acre | 75% | 20 DU on 5 acres | 4 DU |
| Common Proposed Cluster | 2 DU/gross acre | 60% | 40 DU on 8 acres | 5 DU |

c. Community Services high intensity allowance can create incompatibility

The Lake Protection FLU is being divided between two zoning districts, LP Node where commercial and office development will be allowed along with high-density residential development and LP zoning in which only residential development will be allowed. Community services will be allowed in both. However, Community Services include not only those that are important to public health and safety but also private establishments that can often be as large and busy as a commercial development.

The proposed LP FLU language allows Community Services in the LP residential district to be built at the same intensity as commercial and office development in the LP Node district. We ask that in order to retain the residential character of this

district, a maximum building size and locational requirements be established for private Community Services that will reduce their impact on existing neighboring residential development.

4. Do not allow parcels of Lake Protection FLU to change to other more intense or less protection FLUs. Do not extend the Lake Protection FLU outside the USA.

The Lake Protection FLU has significantly more restrictions on development and higher stormwater treatment standards than other FLUs. However, converting to these other FLUs is usually based on the desire to develop without these constraints and does not reflect the parcels' "movement" outside the Lake Jackson basin. Land does not move and neither should its FLU be changed to allow more development and lower environmental standards.

The best way to prevent lake degradation is first do no harm; second, mitigate the harm done by previous development, and third, retrofit as soon as possible. Therefore, the large amount the Lake Jackson basin that is in the Rural and Urban Fringe FLU should be prevented from conversion to FLUs of higher development, including Lake Protection. While Lake Protection FLU provides a high level of stormwater treatment it also allows a great deal of development because it is located within the Urban Service Area (USA).

We ask staff to add policy to the Lake Protection FLU that accomplishes the above. As an example, the Urban Fringe FLU provides criteria for conversion of Rural to Urban Fringe so that such conversion will be very rare.

5. The terminology "sustainable development" must be defined in the Comprehensive Plan if it is used in the important role as a primary intention of a Lake Protection Future Lane Use.

The intent of the Lake Protection category is to ensure that development within the Lake Jackson basin occurs in ~~a sustainable and an~~ environmentally sound manner with minimal impact to water quality and ecosystem function.

The staff report for the Lake Protection amendment provides a description of what is meant by "sustainable development." In addition, the report emphasizes the value of adopting Smart Growth principles, which will have achieved sustainable development. "Sustainable development" is important for every form of land use, not just Lake Protection. It should inform all of the land use elements.

However, the description in a report does not create a definition in the Comp Plan. The term “sustainable development” must be described in the Comp Plan and described sufficiently so that it can be consistently interpreted wherever it appears in the plan.

Therefore, we request that, at a later date, the Planning Staff consider revision to the Comp Plan and in particular the Land Use Element so that sustainable development can be adopted as a primary goal of land use and be sufficiently described so that its meaning is clear and permeates all of the land use elements. Also, until a definition is provided “sustainable development” in Lake Protection is without much meaning or gravitas. Let’s give it some.

Preservation of Lake Jackson requires protection of its entire ecosystem, not just water column quality.

The intent of Lake Protection is much more than maintaining water quality in the lake. Preservation of Lake Jackson requires protection of its entire ecosystem of which water quality is only one aspect. The water quality will not improve and the lake return to a better semblance of its previous condition without efforts to minimize impact on the entire ecosystem.

6. The opening statements in the intent appear to be in contradiction with the policy that follows and also appear to be rather gratuitous given the significant impairment of Lake Jackson.

~~Historically, the lake has suffered from~~ water quality issues associated with rapid urbanization and roadway projects. ~~In recent years, water quality within the Lake Jackson has been improving, but~~ Development within the lake basin continues to be an area of concern a source of degradation.

The first sentences of the intent are the set up for the intention of the Lake Protection FLU and the rationale for the policy that follows. The juxtaposition of “historically” and “in recent years” implies that the “improvement” in water quality is due to some change in development practices and that the lake is less impaired now that it has been in the past. Neither of these is true to any extent that matters to the health of the lake AND the policy that follows is a substantial increase in environmental regulation of new development.

The degree of possible improvement in Lake Jackson water quality (a minor drop in phosphorus concentration in the water column) is not a general indicator of improving conditions of the “water quality” as a measure of lake health and ecosystem function. The lake remains greatly polluted, highly impaired, and development is the primary cause of past and current degradation. It really does not seem appropriate to “pat ourselves on the back” at this time.

The cause of these “improved” measures are also unknown as the existing Comp Plan stormwater standards cannot be responsible due to how little new commercial development has been permitted in the Lake Protection category since these standards were adopted 25 years ago.

Therefore, this statement appears to contradict what follows – policy that significantly increases stormwater treatment standards for residential development and restricts intense commercial development to a few locations.

The new policy proposals are intended to try to protect a lake that is significantly degraded and to protect its ecosystem from unsustainable development (as defined by the staff). This is all very laudable, therefore, make the first sentences of the intent reflect what the policy actually is attempting to do – protect a degraded lake from continuing degradation and if possible, eventually return it to health.

Questions, Comments, Notes accompanying Rural FLU draft
February 16, 2015

1. **Agriculture**

We created a definition of this word to include many forms of growing stuff on land or in water and for raising animals. We continue to name “silviculture” in addition due to it’s substantial importance to rural landowners.

2. **Non-residential**

- **Agriculture, silviculture, and similar natural resource based activities.**

How is environmental impacts and compatibility of intensive modern farming addressed? Such as feed lots, large facilities with thousands (or more) animals? (chickens, pigs, etc.).

- **Passive recreation**

The distinction between Passive and Active Recreation appears to be the amount of facilities used for the activity. However, the Comp Plan and LDC definitions are not consistent with each other, and the zoning code also places similar activities in different recreation categories depending upon the zoning district. Also, a single type of activity e.g. camping, can involve almost no facilities (primitive camp ground) or substantial (campground for tents and RVs that includes bathroom and other park facilities). How do we consistently interpret the labels “passive” and “active”? Both can be important components of Rural landuse – or not!

- Rest of list:

These are additional uses that do not easily pass the criteria stated in the intent of “functionally related to and supportive of...” the primary uses, but we believe should be allowed in the Rural FLU.

We would like to talk about these individual cited uses to discuss if they are appropriately cited and what size limitations should be considered.

- i. Artisan workshops: We think this is a good use to encourage
- ii. Camps & RV parks: is listed as an “active recreation”, but this activity is appropriate for Rural FLU
- iii. Dog Kennels: These are kennels not accessory to Vets or to Plantations, ie not hunting dog kennels or training facilities. These are kennels for companion animals, therefore do not constitute “animal husbandry”.
- iv. **Banquet, Meeting Hall, Bed and Breakfast, and Lodging:** We are trying to capture existing uses of Bradley’s Retreat and Shiloh Events. The latter is actually in Urban Fringe, but similar venues are an appropriate use of Rural land. There should be a better

label for such activities.

3. Size of buildings (sqft), total number of sqft per parcel, number of units – highlighted in yellow: 2000 or XXX
 - Our aim is to have structures that either accessory uses for an agriculture and silviculture parcel or are allowed stand-alone structures (ie on their own parcels) to be approximately the size of a single family dwelling: 2000 – 3000 sqft. Some uses may need more than one building and a total sqft allowance may be appropriate.
 - Private Community Services structures are also held to a standard of small size.
 - This is not intended to control the sizes of barns, stables or hunting dog kennels, nor the number of buildings on farms & plantations.
4. **Allowable Uses Subject to Further Criteria, Densities, and Intensities**
 - This is a category of “stand-alone” that is intended to allow for commercial and office uses that fulfill the criteria of **“functionally related to and supportive of agriculture, silviculture, passive recreation and similar natural resource based activities**
 - There may no be very many of these uses.
 - The idea is to allow Mack Brothers to have a retail office, but not to allow an Esposito’s.
 - To allow a kayak/boat rental & retail shop near a river of lake, but not to have a Sports Authority
5. **Rural category shall not be converted**
 - This language is taken from the UF FLU. Consider stronger language as conversion of Rural will create more UF and UF is a particularly problematic form of development.
6. **locational requirements**
 - No specific requirements – left to zoning. Intersections are not necessarily the right place for a commercial/office use that is connected to a natural resource – for instance, a boat/kayak rental shop can be on a parcel near a boat ramp and not some miles away at an intersection.
 - However, some uses may require intersection access.
7. **accessory uses**
 - These uses are subject to the same criteria as stand-alone uses and have limits on size
 - These are not intended to affect primary agricultural uses such as barns, hunting dog kennels, horse stables, etc.

- These are not intended to affect home offices/studios which are governed by other regulations

Intent

The Rural category is comprised primarily of lands containing agricultural, silvicultural, and other natural resource based activities. The intent of the Rural category is to maintain and promote agriculture and silvicultural land uses, preserve natural systems and ecosystem functions, protect scenic vistas, and prevent fragmentation of working rural landscape. Urban services are not provided to this future land use category.

To preserve the rural character of the area and promote infill and redevelopment within areas designated for more intense development, commercial and office uses that are not functionally related to and supportive of agriculture, silviculture and other natural resource based activities shall be prohibited. Such uses should be located within the Urban Service Area (USA) and Rural Communities.

Allowable Uses, Densities, and Intensities

Residential

The Rural category shall allow for single family residential uses at a maximum density of one (1) dwelling unit per ten (10) gross acres.

Non-residential

1. Agriculture, silviculture, and similar natural resource based activities.
2. Passive recreation, including hunting, fishing and boating, structures shall not exceed 2000 square feet and XXX square feet per parcel.
3. Artisan workshops, not to exceed 2000 square feet per building and XXX square feet per parcel.
4. Camps and RV parks, not to exceed XXX square feet per building and XXX square feet per parcel.
5. Dog Kennels, not to exceed XXX square feet per building and XXX square feet per parcel.
6. Banquet, Meeting Hall, Bed & Breakfast, and Lodging, not to exceed XXX square feet per building, XXX square feet per parcel and XXX maximum number of units.

Community Services

Community service uses such as religious facilities, historic and cultural centers, and cemeteries may be permitted provided they are compatible with the natural and rural surroundings. Public services such as post offices, libraries and schools should be located in the Urban Services Area (USA) or Rural Communities. No structure shall exceed XXX square feet per building and XXX square feet per parcel.

Allowable Uses Subject to Further Review, Densities, and Intensities

Non-residential

Minor Commercial and Minor Office uses that are functionally related to and supportive of agriculture, silviculture, passive recreation and similar natural resource based activities are allowed as restricted or special exception uses. Structures shall not exceed 3000 square feet.

Prohibited Uses

The following uses are deemed incompatible with the Intent of the RFLU and are explicitly prohibited:

1. Any Commercial or Office use that is not functionally related to and supportive of agriculture, silviculture, passive recreation and similar natural resource based activities,
2. Gas stations, fuel oil dealers, liquefied petroleum gas dealers,
3. Hardware, variety, general merchandise, auto and home supply, grocery stores and convenience stores,
4. Active recreation that is not functionally related to or supportive of agriculture, silviculture and natural resource based activities,
5. Golf courses, race tracks and drag strips, motorized vehicular recreational activities,
6. Feed lots and other intense farming practices,

Special Conditions

The following special conditions shall apply to the Rural future land use category:

1. Property within the Rural category shall not be converted to a more dense or intense land use category unless the subject site adjoins the Urban Service Area or a designated Rural Community.
2. Existing uses and structures listed on the historic register at the time of adoption of this amendment shall be considered conforming.
3. Land development regulations may contain locational requirements intended to prevent sprawl and negative off-site impacts, such as traffic and compatibility.
4. Allowed accessory uses: Non-residential uses functionally related to and supportive of agriculture, silviculture, and similar natural resource based activities uses include manufacturing and retail activities associated with the primary use. The following standards shall apply to these accessory uses:
 - For accessory manufacturing uses: XXX sq. ft. per individual structure and XXX sq. ft. per parcel.
 - For accessory retail uses: 2,000 sq. ft. per parcel.
 - Development shall be subject to design standards intended to preserve the scenic and rural character of this category. Design standards shall include, but not be limited to, signage, lighting, parking, and building materials.
 - Landscape buffers and site design shall be used to protect existing rural residential development from offsite impacts of non-residential development.

5. The following standards shall apply to artisan workshops, Camps and RV parks, Dog Kennels. **Banquet, Meeting Hall, Bed & Breakfast, and Lodging** and community services:
 - Development shall be subject to design standards intended to preserve the scenic and rural character of this category. Design standards shall include, but not be limited to, signage, lighting, parking, and building materials.
 - Landscape buffers and site design shall be used to protect existing rural residential development from offsite impacts of non-residential development.

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New definitions:

Agriculture: Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber; aquaculture, sod production, nurseries, and grazing or raising livestock (except in feed yards) and animals for recreational use.

Cultural center: An establishment providing for the display, performance or enjoyment of heritage, history, or the arts. These uses do not include commercially operated theaters, cinemas or movie houses.

Artisan workshop: An establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles and related items.

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