

Citizen Comments for the
April 28, 2020 Meeting Agenda

The following Citizen Comments
were received for Agenda Item #3

First of Two Public Hearings to Consider Adopting an Ordinance
Amending Section 10-6.660 of the Land Development Code,
Entitled “Lake Protection Node Zoning District”

Board of County Commissioners, April 28, 2020 Citizen Comments

Agenda Item 3	Name: George Lewis
	Address: 2143 Miller Landing Road, Tallahassee, FL 32312
	Date Submitted: 4/25/2020 7:15:14 PM

Mr. Chairman and Commissioners, April 25, 2020

This is the first of multiple parts. The Comments box is limited.

You have before you in Agenda Item 3 a proposed rewrite of Section 10-6.660, the Lake Protection Node zoning category. The draft of this ordinance was just presented to me last Wednesday, so I have not had much time to compare the proposed new language to that which is being replaced. The manner of presentation of this amendment is not very helpful. Compare Item 2 in the current agenda, the Land Development Code scrivener's correction ordinance, in which the agenda package incorporates a synopsis or schedule of all of the changes that are proposed for updating and correcting in the LDC. No such assistance is offered for the LPN rewrite, even though the scrivener's changes are not supposed to incorporate policy changes, while the LPN ordinance explicitly calls for significant policy changes. My first request is that the Board continue the first hearing on this ordinance until your staff prepares a similar list of the manner in which this section of the LDC can be circulated to the Board and the public, and that we have a reasonable opportunity to respond to that information. What is the urgency to proceed on this issue now?

On the chance that the Board is unwilling to continue this item, I request that you consider the following points in deciding how to proceed on this issue. (References are to the subsections and pages of the draft ordinance, without repeating Sec. 10-6.660 throughout).

Paragraph 3(a)(4) of permitted used includes Active Recreation Areas. Please limit Active Recreation uses to boat landings, as is done in the LP district. The available area in the 1/4-mile radius of the Nodes does not allow space for active recreation activities other than for boat ramps. Please amend this provision to show that Active Recreation is a prohibited use other than for boat ramps.

Paragraph 6(a), Vertical Mixed Use Incentive Qualification, on page 14, lines 4 & 5, contains the following: (a) At the completion of the development plan, including any phases, no less than 25 percent of the gross floor area within the overall development shall be devoted to either residential use or non-residential use. I suggest that this statement does not say what is intended. The way it is worded would let both 100% residential or 100% non-residential uses occur. Drop the word "either" and change the word "or" to "and" in order to require a minimum of 25% of each type use within the development that qualifies for the vertical mixed use enhancement.

Paragraph 8. Additional Development Standards for Restricted Uses, subparagraph (a), lines 18 and 19, on page 14, contains the following requirement for drive-through and pick-up facilities: (a) Building Footprint: Uses with a drive-through or pick-up window shall also include an indoor retail and/or seating area that shall comprise at least one-quarter of the building footprint. After what we are going through now, what justification is there to require interior seating or retail of at least 25% of the floor area of a business? Why not let the market and science determine whether there is any customer seating or retail space in such facilities?

Paragraph 15, Signs, (b)3, line 16, page 26, and Paragraph 16, Stormwater Management Facilities, line 3, page 27, use the wrong word "principle," which should read "principal."

Continued on Part 2.

George E. Lewis II

Board of County Commissioners, April 28, 2020 Citizen Comments

Agenda Item 3	Name: George Lewis
	Address: 2143 Miller Landing Road, Tallahassee, FL 32312
	Date Submitted: 4/25/2020 7:16:04 PM

Mr. Chairman and Commissioners: April 25, 2020

Part 2

Next there appears to be an inconsistency within the proposed ordinance with respect to detached single-family uses (including duplexes). Paragraph 3 (b), subparagraph (10), page 12, lists them as prohibited uses, while Paragraph 18, page 27, gives standards for detached single-family lots. It incorporates some direction on the replacement of such units following casualty events for existing detached single-family units (with no mention of duplexes). There is a separate problem with Paragraph 18 that I will address later. Why would the Board make unlawful the principal use that is a fundamental building block that is protected and recognized as the last use that may be left to avoid a governmental taking? Much of the area where the LP Nodes are allowed are developed as detached single-family lots, so ones in the LPN would not be in conflict.

Another concern in Paragraph 18 is the statement that detached single-family dwellings will be made non-conforming (uses and possibly structures – it does not say which) upon adoption of the LPN ordinance shall be allowed to make improvements, etc. All well and good. But this LPN ordinance does not appear to me to be a rezoning ordinance, nor has it been advertised as such. Therefore, no change in zoning of any land will occur upon the adoption of the ordinance. With respect to the standards that this paragraph appears to impose on detached single-family dwellings, why would you limit side yard setbacks to a maximum of 10 feet? Much of the area where the LPN zoning can be applied lies in areas with significant slopes, and site planning should allow flexibility according to existing conditions. There are several omissions from the draft that I suggest should be incorporated in any LP or LPN ordinance that you may decide to adopt. Persons applying to use the LPN zoning category should be notified at the beginning of the description of the zoning district of the significant requirements for the treatment of stormwater. The existing ordinance has several references to Section 10-4.301 of the LDC, and those should be added here. In addition, the ordinance should have a provision at the front requiring that any approval or approval with conditions of a site plan will be subject to the requirement that all stormwater management facilities for a site will have to be constructed, tested, and demonstrate that the system meets the requirements of Section 10-4.301 before any further steps in the development process can be initiated. That requirement should also be required for all environmental management permits issued for development in the LP or LPN zoned areas. While these conditions have been applied on some permits, the requirement should be uniform. It should be an ordinance requirement on each approval for any future development of land located in the Lake Protection Future Land Use category, and then strictly enforced.

Several general comments: The copies of the ads that appear in your agenda packages appear to be copies of the ads as ordered for publication. However, they are not evidence that the ads were actually published. The Tallahassee Democrat issues proofs of the publication of legal ads after they have run. You should require copies of the proofs to be used instead. Even if the print is so small when the ads are run that they are essentially illegible. My apologies for sending this information to you in parts, but the comment section on the contact page is limited. Can that be increased, or provide some other approved method of providing the Board with public comment? The instructions say this is the only approved method of submitting public comments.

Thank you for your consideration of these points.

George E. Lewis II

Board of County Commissioners, April 28, 2020 Citizen Comments

Agenda Item 3	Name: Max Epstein
	Address: 1001 San Luis Rd
	Date Submitted: 4/28/2020 8:16:53 AM

Commissioners,

I urge you to reject the changes to the Lake Protection Node Zoning District. If the code is to be changed, actual protection of of lakes and aquifers must be taken into account. Otherwise, it should be named a "Development" district instead.

1. Science, and protection of our lakes and aquifer should be based on science, not developers and profit.

"minimum residential density requirements for single-family attached and multi-family residential uses would be removed as they were deemed unnecessary due to the market dictating profitable returns based on maximum density allowances, not minimum."

2. Removing setbacks from properties allows for less green space and protection of existing trees and the environment which already do their part to clean the air and water.

3. Low requirements for stormwater infrastructure will allow cheap work by developers. Low-impact development techniques should be required (even though it will be built to Bradfordville standards, which are only slightly better).

"LPN standards encourage low-impact development techniques, such as rain gardens and bio-retention swales, to be incorporated into the design of the site to allow stormwater infiltration to occur as close to the source as possible."

These changes will greatly increase the runoff and contaminants flowing into the nearby lakes and aquifer, which will feed cyanobacteria and blue-green algae blooms -- something we already experiencing. Many of the stormwater ponds are back to having visible algae, even in March in April since we had a hot winter. This is not a problem that is going away.

Requiring low development techniques and forward-thinking stormwater rules will save taxpayers millions down the road in remediation costs and public health.

Sincerely,

Max Epstein

From: [Vince Long](#)
To: [BOCC](#)
Cc: [Stephanie Holloway](#); [Lindsay Jordan](#); [Mary Smach](#)
Subject: RE: Apparent problem with your Virtual Public Meeting
Date: Wednesday, April 29, 2020 4:18:21 PM
Attachments: [image051718.png](#)

Commissioners,

I know you received the e-mail below from Alan Neidoroda and wanted to provide you a quick response. I certainly regret that we did not receive his comments. However, we confirmed that the system did not experience a failure during that time. We performed pre-testing and have since performed post testing, with no problems. We were also able to receive numerous other comments for this meeting and many more from the previous meeting. Our IT professionals indicate to me that they believe this may have been an issue of the sender hitting cancel (instead of send) or exiting prior to hitting send.

As far as his reference to e-mails, of course this is not the way we received public comments for the meetings. We will submit his comments to the Clerk to include in the record. Additionally, we will continue to investigate and troubleshoot the site to eliminate any potential problems for the users.

Thanks,

Vince



COVID-19 Community Update

STAY INFORMED. BE PREPARED.

[CLICK HERE](#)

From: ALAN NIEDORODA <a23nied@embarqmail.com>
Sent: Wednesday, April 29, 2020 3:42 PM
To: Bryan Desloge <DeslogeB@leoncountyfl.gov>; Rick Minor <MinorR@leoncountyfl.gov>; Mary Ann Lindley <LindleyM@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Re: Apparent problem with your Virtual Public Meeting

Hello Chairman Desloge and Commissioners -

I believe that something went wrong with the Virtual Public County Commissioners meeting yesterday. I submitted a comment about agenda item 3 according to the form and directions on the county's website. This submission was completed before about 1 PM on Monday which was well ahead of the deadline. There was no mention of this submission in the recorded meeting which I just viewed and the comments were not listed with the two other comments for agenda item 3.

To make things even more annoying, I took the time to send copies of the comments to all of the Friends of Lake Jackson Board Members and to include addresses of Commissioner Minor, his assistant Jodie Wilkof, and Commissioner Lindley so that they would have advanced information to assist when item 3 came up for discussion. I know that this email got through because Debbie, Commissioner Lindley's assistant send back a confirmation of receipt

So what the heck happened ?? If we are to move ahead into the world where public comment is restricted to virtual meetings then it seems that an occurrence such as this needs to be checked into and corrected.

Furthermore, I believe that Commissioner Dosier's concern about addressing issues where public comment is desired in a the virtual meeting format is either a poor idea or one that requires great assurance that some sort of 'glitch' does not spoil the purpose of the meeting.

I would like to formally request that in light of this difficulty this situation should be discussed at the next month meeting of the commission. I would like the comments made by the Friends of Lake Jackson to be considered at that meeting. I would also like a separate discussion of the importance of assuring the proper structure to any future public commission or other county government meeting

To assist you in discovering the cause of this issue I include the following repeat of the comments that I submitted on the behalf of the FOLJ:

Mr Culpepper of the Planning Dept has provided a copy of the Draft Proposed Amendments to the Lake Protection Nodes Land Development Code. I have circulated this to the members of the Friends of Lake Jackson. As president I am called upon to make the following comments.

There do not appear to be any proposed changes that will have substantial impact on the regulation of stormwater or on the discharge of wastewater. Accordingly, no recommendations are made for substantial changes to the draft.

However, it is noted that Section 2 - Allowable District Location of the current draft contains the provision "d) Shall be located in areas served by central sewer and central water". This has been omitted from Section 2 in the proposed draft. Clearly, the provision is to remain in effect as stated in the section titled General Notes on page 27 of the proposed draft. We recommend that the statement of this provision be added back to Section 2 because otherwise it is buried in an obscure place near the very end of the document where it can easily be missed.

We also recommend that a provision be added stating that required stormwater management structures be completed and tested before any other further development is undertaken. This is to avoid the unfortunate experience of having inadequate performance of the required structures discovered after development has

proceeded to the point that proper corrections are impracticable.

Respectfully,

Alan Niedoroda

e-mail: a23nied@embarqmail.com

cell phone: (850) 544 -9365

home/office phone: (850) 668-4929

address: 6000 Miller Landing Cove, Tallahassee, FL 32312 USA

The following Citizen Comments
were received for Agenda Item #4

Second and Final Public Hearing to Consider Adopting an Ordinance Amending Section 10-1.101 of the Land Development Code Entitled “Definitions,” Repealing Section 10-6.816, “Community Gardens,” and Creating a New Section 10-6.816 Entitled “Urban Agriculture,” and a New Section 10-6.821 Entitled “Urban Equine”

Board of County Commissioners, April 28, 2020 Citizen Comments

Agenda Item 4	Name: Rhonnie Schaeffer
	Address: 2027 Wildridge Drive. Tallahassee 32303
	Date Submitted: 4/22/2020 1:14:24 PM

I am not sure the commission appreciates what a 1.0 acre lot looks like when it has a house and driveway on it. That does not leave a lot of room for a large horse. Also, I would think the horse would be maintained in a fenced backyard so this is a very small area. Personally, I believe a 2 acre minimum would be more appropriate. Thank you for considering my thoughts on this.

The following Citizen Comments
were received for Agenda Item #13

Coronavirus Aid, Relief, and Economic Security Act Funding

Board of County Commissioners, April 28, 2020 Citizen Comments

Agenda Item 13	Name: Lucinda Keeseey
	Address: 2103 Lee Ave
	Date Submitted: 4/27/2020 3:47:19 PM

I respectfully ask the Commissioners to keep businesses and services closed, except for those currently identified essential businesses, until you have medical reports of a continual 2-3 week decrease in the number of COVID-19 cases. I appreciate your immediate and timely closing when the severity of this virus was reported by the medical community. Thanks to your efforts and those of the Mayor and City Commissioners, Tallahassee and Leon County have weathered this pandemic better than many communities.

The following Citizen Comments
were received for Agenda Item #17

Voluntary Annexation Proposal from Victor & Mary Roman and
Thomas & Dorothy Jones, LTD to Annex Properties Located at
5515 Dansby Place and 5265 Trout Trail

Board of County Commissioners, April 28, 2020 Citizen Comments

Agenda Item 17	Name: Jay Schuck
	Address: 3675 Dexter dr
	Date Submitted: 4/24/2020 5:02:18 PM

Good Afternoon Commissioners,

Please allow me to thank you for taking care of our welfare in these extraordinary times.

In case you don't know me, my name is Jay Schuck and I'm a land use planner retired from the planning department after 37 years.

Apparently, I loved my work so much I continued on as a consultant.

Representing a close friend who is sick and now recovering. I simply want to offer my assistance to any concerns or questions which may arise. Please forward to me any issue of concern and I will reply.

It is important to note this Development is not proposing any future land-use amendment or any zoning change.

I hope each of you have a wonderful weekend and thank you again for your service.

Thank you,

Jay Schuck
850-363-0223