

MEMORANDUM

DATE: February 4, 2015

TO: Members of the Board of County Commissioners

FROM: Megan Doherty, Principal Planner

SUBJECT: Comprehensive Plan Amendment Cycle 2015-1 Workshop

The Board of County Commissioners workshop for the 2015-1 Comprehensive Plan amendment cycle is scheduled for Tuesday, February 10th at 1:00 PM in the County Commission Chambers. The purpose of this workshop is to review and discuss the proposed amendments prior to the joint workshop with the City Commission on March 10th. This electronic version of workshop materials includes the agenda, staff reports, and public comments received through February 3, 2015. The full schedule for the 2015-1 cycle is included below.

Please note the staff report for PCT150105 (Commercial Uses in the Rural Future Land Use Category) is still under development at this time. The full application as submitted by the Keep it Rural Coalition (KIRC) and the proposed text changes are included in this packet. A progress update will be provided to the Board at the Workshop.

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
<ul style="list-style-type: none"> • 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	
<ul style="list-style-type: none"> • PCM150101 TALCOR Midtown 	February 19, 2015
Local Planning Agency Public Hearing	March 3, 2015
<ul style="list-style-type: none"> • PCM150101 TALCOR Midtown • PCT150105 Commercial Uses in Rural Future Land Use Category 	
Joint City-County Commission Workshop	March 10, 2015
Joint City-County Transmittal Public Hearing	April 14, 2015
Joint City County Adoption Public Hearing	May 26, 2015

Attachments

1. Agenda for the February 10, 2015 Board Workshop
2. Matrix of Recommendations
3. Amendment Packet
4. Public Comments received through February 3, 2015

If you have questions about any of this information or need additional materials, please do not hesitate to contact me at 891-6400.

Attachment #1:

February 10, 2015

**Board of County Commissioners
2015-1 Workshop Agenda**

**BOARD OF COUNTY COMMISSIONERS
2015-1 WORKSHOP AGENDA
FEBRUARY 10, 2015 1:00 PM
County Commission Chambers, Leon County Courthouse, 301 S. Monroe Street**

A. Introductory Comments by Staff

B. Review proposed Cycle 2015-1 Comprehensive Plan Amendments

PCM150101: TALCOR Midtown

Applicant/Property Owner: TALCOR Urban Housing LLC

Staff: Debra Thomas

This is a request to change the Future Land Use Map designation of approximately 3.79 acres from “Residential Preservation” to “Urban Residential-2”. The subject site is located south of the Miracle Plaza Shopping Center and consists of sixteen (16) non-contiguous parcels located along Gwen Street, Harper Street, Pine Street, and Payne Street, in a neighborhood traditionally referred to as “Carroll’s Quarters.” The existing Residential Preservation category allows single family housing up to six units per acre. The proposed Urban Residential-2 is a residential category that allows a mix of housing types with densities up to 20 units per acre.

Preliminary Staff Recommendation: Approval contingent upon the expansion of the amendment area to include all parcels along Gwen Street and Harper Street, and selected parcels along Payne Street and Pine Street in the vicinity of the subject site.

WITHDRAWN PCM150102: Chastain Manor

PCT150103: DRI Thresholds for the Urban Central Business District-Planning Department

Applicant: Tallahassee-Leon County Planning Department

Staff: Jiwan Haley

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.

Preliminary Staff Recommendation: Approval

PCT150104: Sustainable Development in Lake Protection

Applicant: Tallahassee-Leon County Planning Department

Staff: Steve Hodges

This proposed policy amendment 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."

Preliminary Staff Recommendation: Approval

PCT150105 Commercial Uses in the Rural Future Land Use Category

Applicant: Keep it Rural Coalition

Staff: Megan Doherty

This proposed text amendment was 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 at their December 9th, 2014 Board meeting. Per the direction of the Board at that meeting, staff is utilizing the proposed amendment to the Rural future land use category to evaluate whether any commercial uses are appropriate within the Rural Future Land Use Map (FLUM) category. The intent of these 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." The proposed text amendment submitted by KIRC would further restrict commercial activities on all properties designated as Rural on the Future Land Use map and amend the Glossary of the Comprehensive Plan to create a 'Rural Commercial' category.

WITHDRAWN PCM150106: Miers and Rockaway Properties

C. Adjournment

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

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

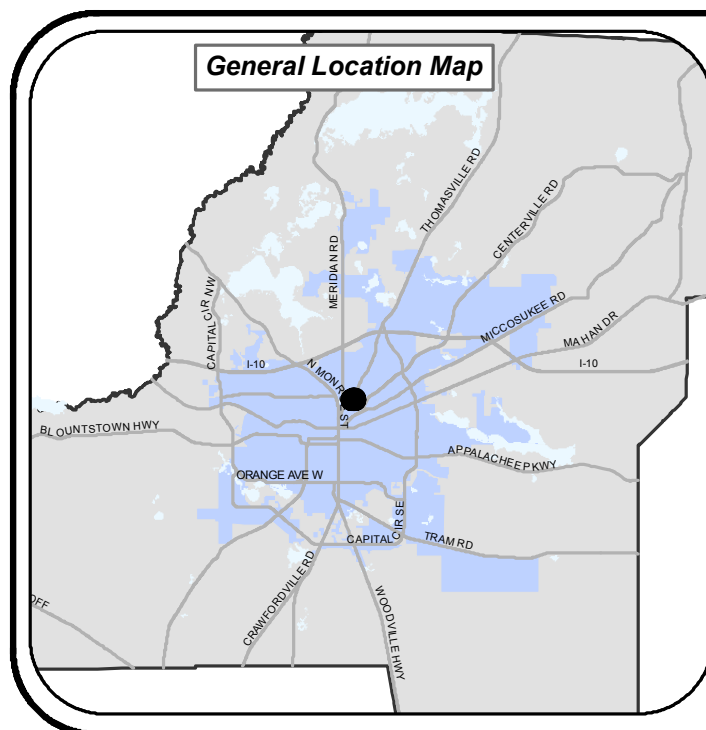
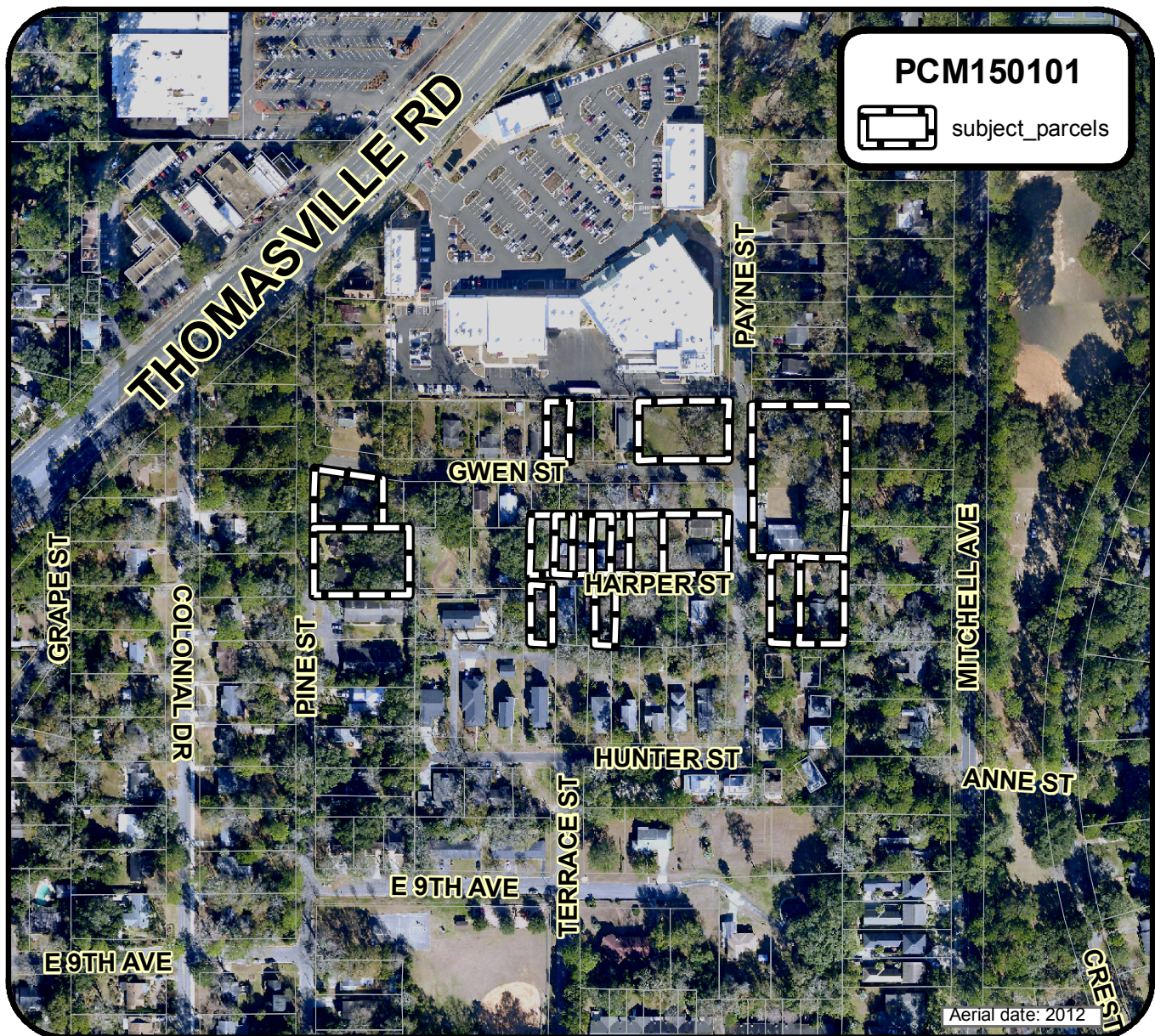
Attachment #2:
Matrix of Recommendations
as of February 3, 2015

MATRIX FOR CYCLE 2015-1

A = Approve
D = Denial
AM = Approve as Modified

Item #	Amendment To:	Nature of Proposed Amendment	Planning Staff Recommendation	Water Resources Committee Recommendation	LPA Recommendation	City Commission Position	Board of County Commissioners Position
PCM150101	FUTURE LAND USE MAP TALCOR Midtown	From: Residential Preservation To: Urban Residential-2 3.79 acres	AM – Expanded to include surrounding area	Not Reviewed	Scheduled for March 2015 Public Hearing		
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	Continued to March 2015 meeting	A		
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 whether any commercial uses are appropriate within the Rural.	TBD		Scheduled for March 2015 Public Hearing		
PCM150106	WITHDRAWN TEXT AMENDMENT Miers and Rockaway Properties						

Attachment #3:
2015-1 Amendment Packet
for February 10, 2015



TALCOR Midtown PCM150101

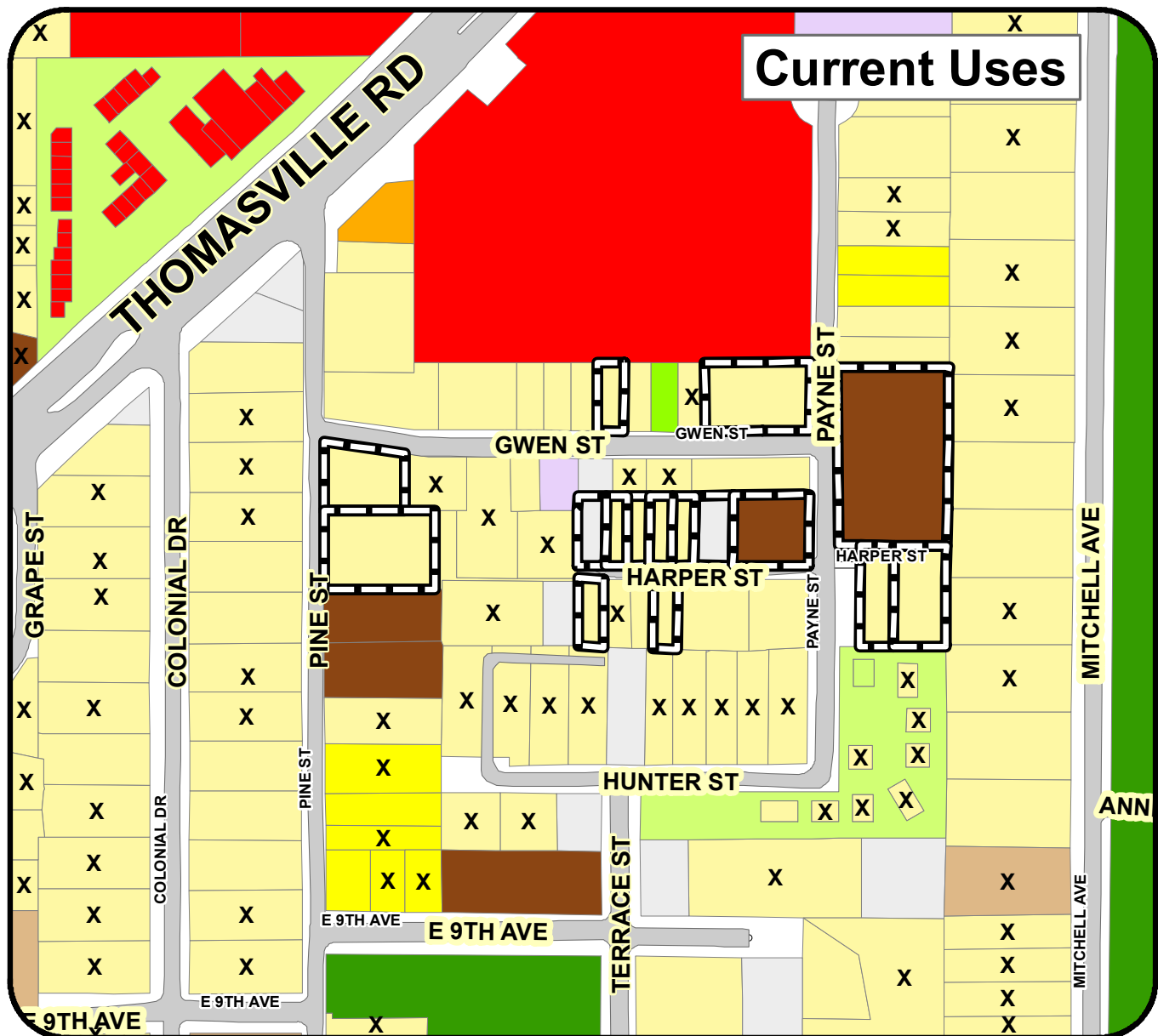
TALCOR

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:

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 11-30-20-226-0000
 11-30-20-227-0000
 11-30-20-228-0000
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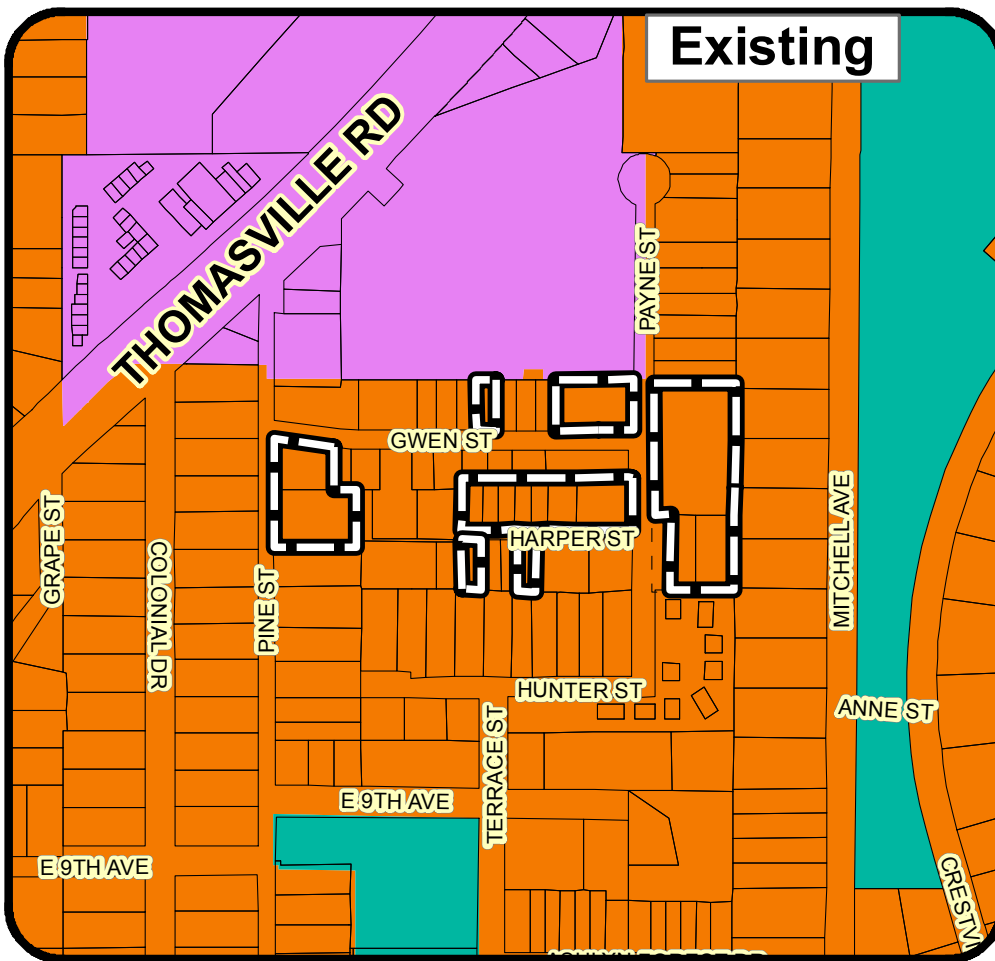
TALCOR
Midtown
PCM150101

TALCOR

ACRES: 3.79 ±



Existing



Future Land Use

Legend

-  Open Space
-  RP
-  Suburban
-  UR-2



Subject Parcel

TALCOR
Midtown
PCM150101
TALCOR

Existing
Residential Preservation

Proposed
Urban Residential 2

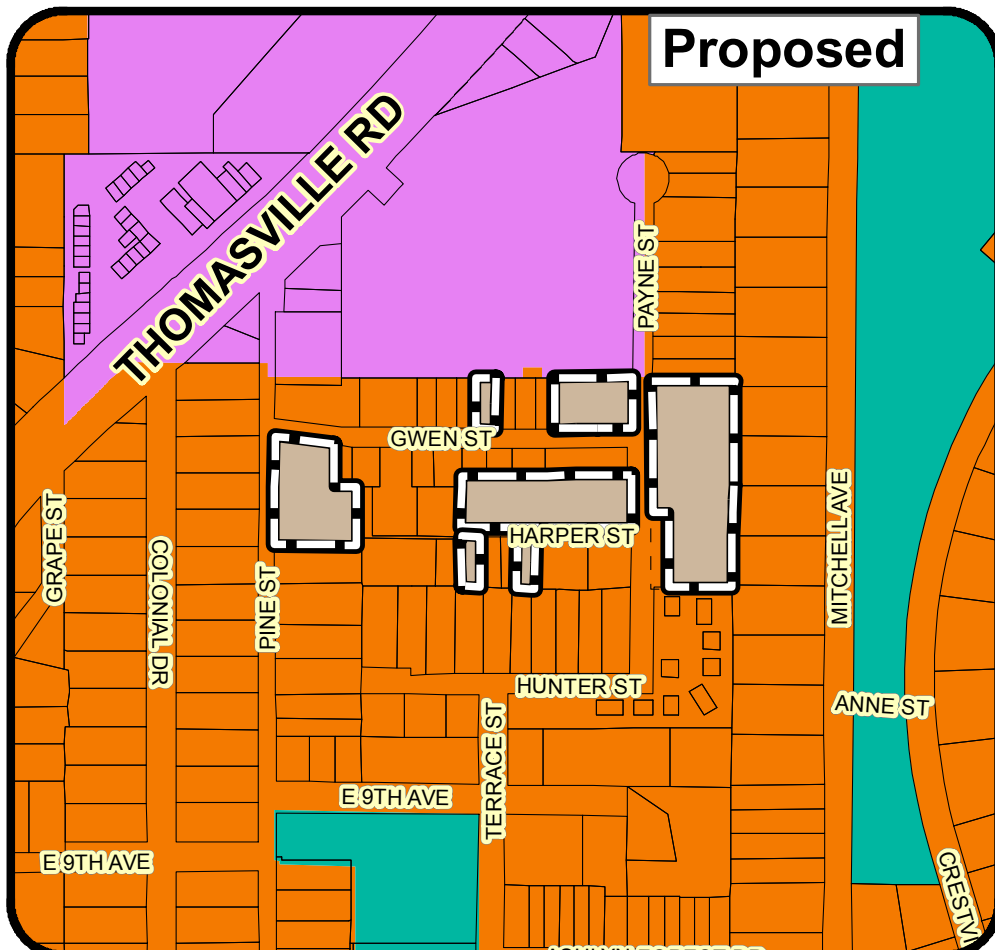
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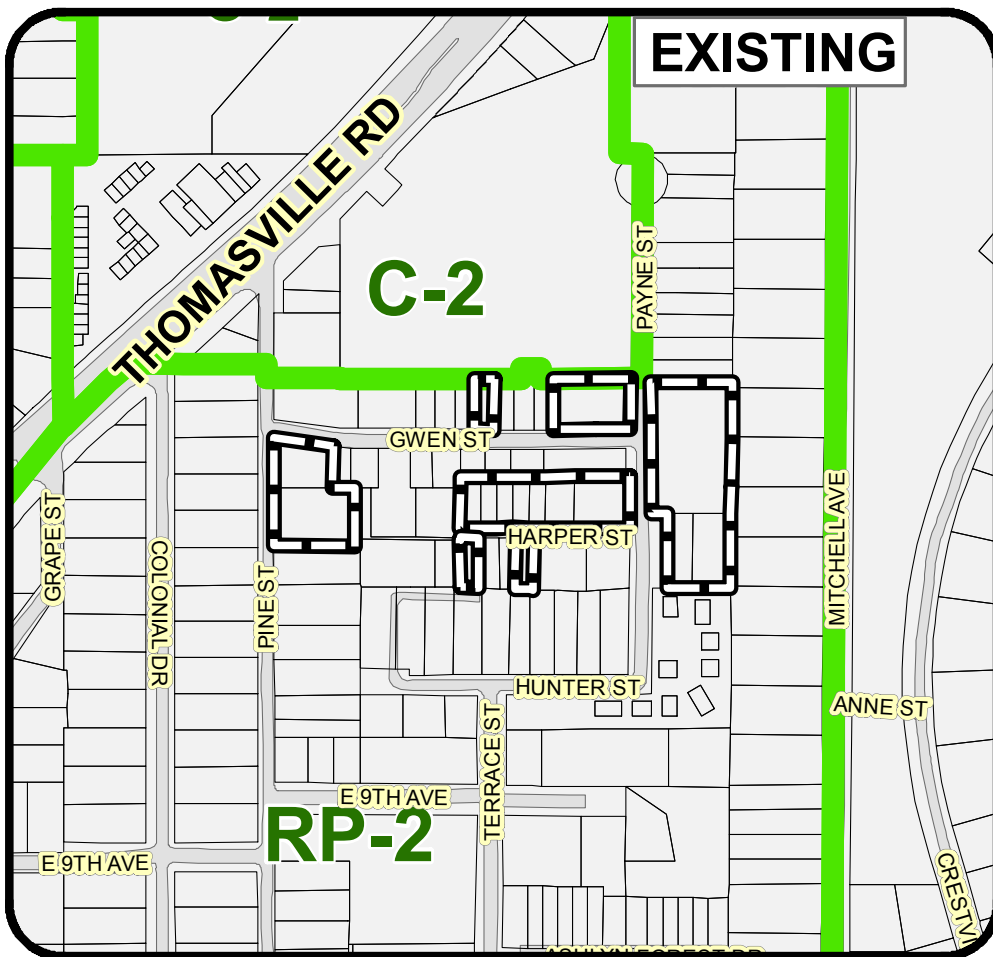
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11-30-20-229-0000	11-30-20-250-0000
11-30-20-230-0000	11-30-20-251-0000
11-30-20-231-0000	11-30-20-287-0000

ACRES: 3.79 ±



Proposed





ZONING

Legend



Subject Parcel



zoning

**TALCOR
Midtown
PCM150101**

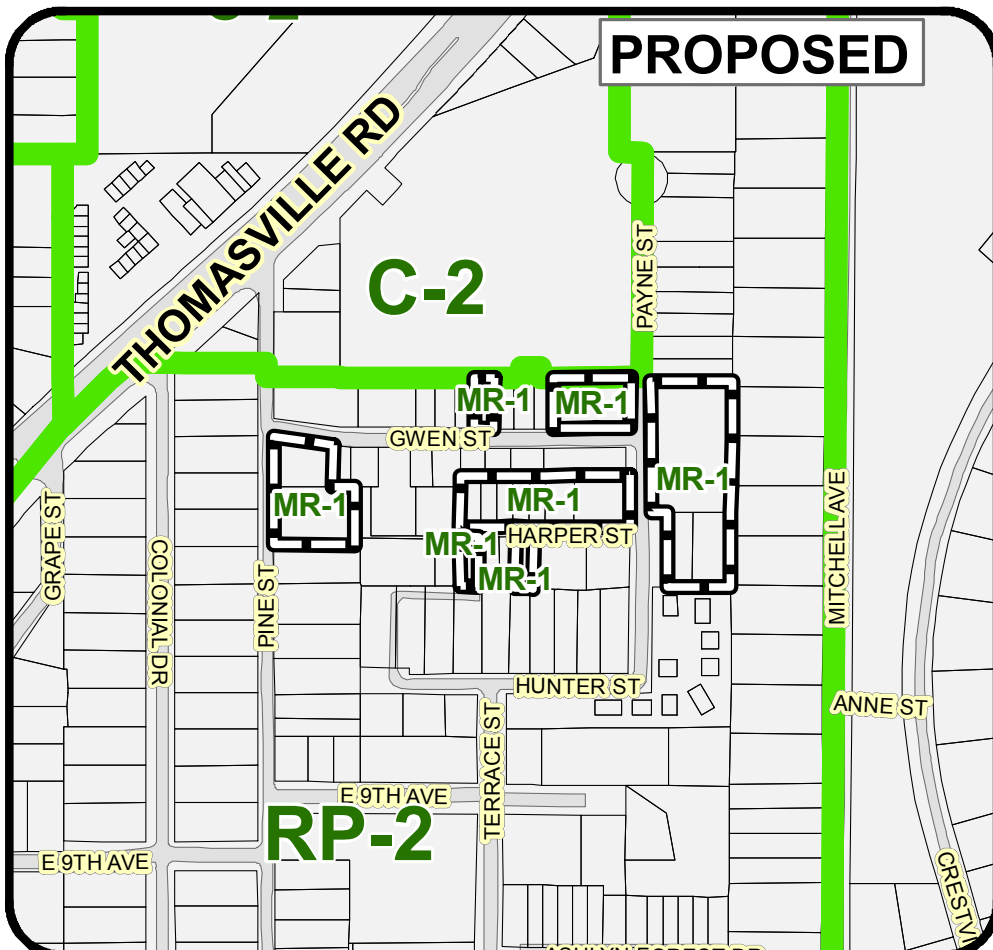
TALCOR

Existing

RP-2

Proposed

MR-1



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 ±



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)

DATE: January 7, 2015

Preliminary 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.

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”. 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 adopted land use. The subject site’s adopted land use (Residential Preservation) allows for attached and detached single-family housing at a maximum density of six (6) units per acre. The proposed Urban Residential-2 designation would allow for multi-family and single-family housing at a maximum density of twenty (20) units per acre.

A zoning change from Residential Preservation-2 (RP-2) to Medium Density Residential (MR-1) 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. Given the limited number of parcels comprising the subject site, the proposed amendment could create an inconsistent development pattern within the neighborhood, resulting in incompatible, adjacent uses. To alleviate this concern, Staff recommends 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).
2. The subject site and proposed expansion area are 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. The proposed land use change would create an appropriate transitional area between the lower density residential neighborhoods to the south of the subject site and expansion area and the more intense, commercial uses along Thomasville Road.
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 similar in nature to that envisioned for an Urban Residential-2 neighborhood.
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 Land Use Category and the MR-1 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 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 and detached residences, including 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

As previously mentioned, the proposed amendment is a request to change the FLUM designation of the subject properties to Urban Residential-2 (UR-2). The primary intent of this land use category is to encourage the development of a range of housing densities and types; 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 category is not intended to be applied within the interior of an existing designated Residential Preservation area; however, the subject area and some subject parcels are directly adjacent to an existing commercial node along Thomasville Road. 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 in this area; therefore, this prohibition would not apply to this request.

The proposed UR-2 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 it could meet the development pattern for UR-2

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 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 category. In conjunction with the proposed amendment, the applicant is requesting to rezone the subject site to Medium Density-1 (MR-1).

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 was 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.

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 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, affordable 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, two (2) properties in the subject area have recently requested to be included in this amendment. These properties are within the proposed expansion area (Attachment # 3).

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 land use category and MR-1 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.

To address residents' concerns and ensure that future development occurs in a manner consistent with the applicant's statements, the City's Planning and Growth Management staff are working together to revise an existing zoning district. While the exact details of the

revision have not been finalized at this time, it is anticipated that the revised district would limit the type and form of permitted multi-family housing and include design standards which ensure consistency and compatibility among various residential uses.

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. CONCLUSION:

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

1. Given the limited number of parcels comprising the subject site, the proposed amendment could create an inconsistent development pattern within the neighborhood, resulting in incompatible, adjacent uses. To alleviate this concern, Staff recommends 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).
2. The subject site and proposed expansion area are 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. The proposed land use change would create an appropriate transitional area between the lower density residential neighborhoods to the south of the subject site and expansion area and the more intense, commercial uses along Thomasville Road.
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 similar in nature to that envisioned for an Urban Residential-2 neighborhood.
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:

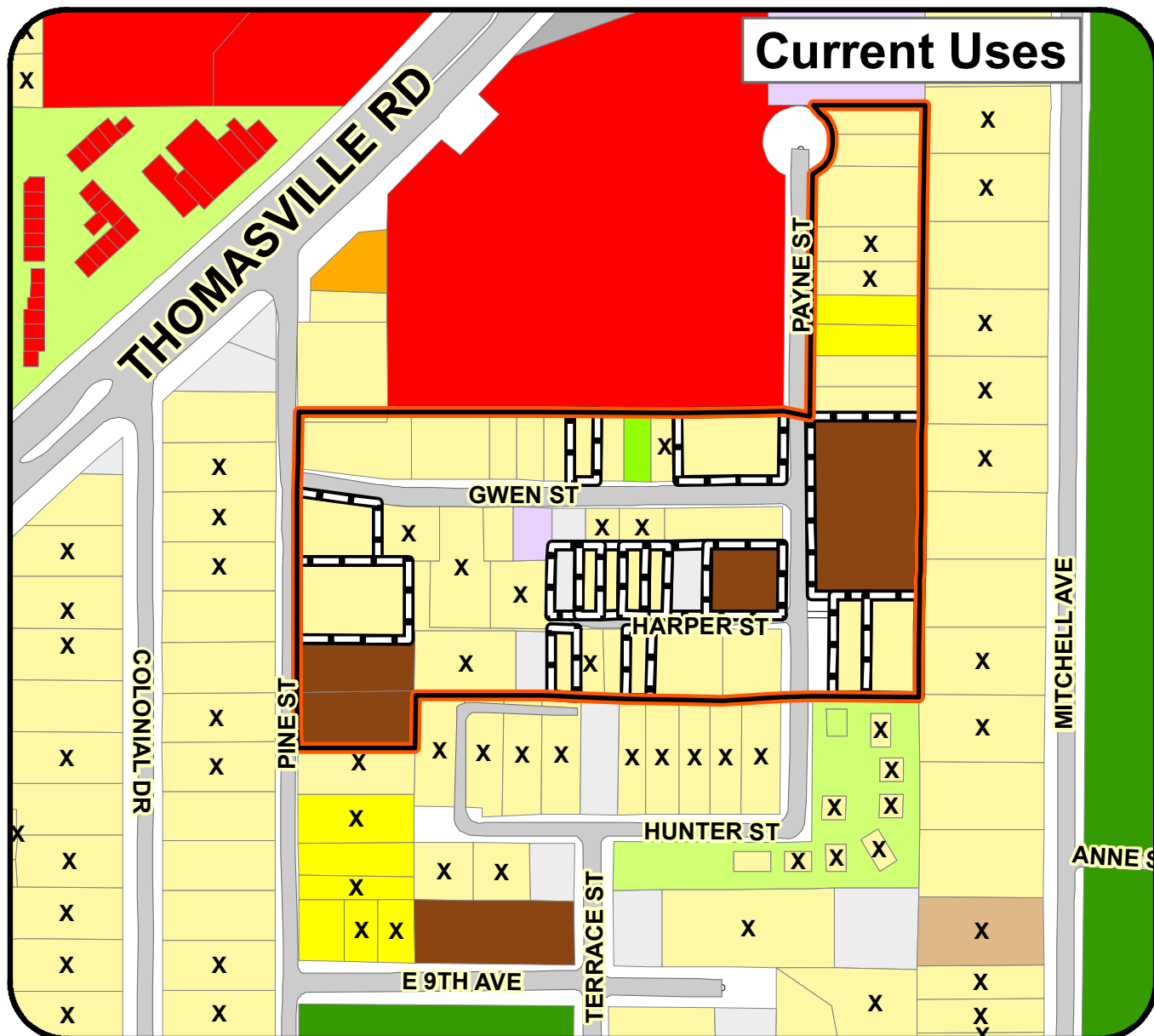
1. Map Amendment Parcel Identification Numbers
2. Proposed Amendment Expansion Map.
3. Property Owner Request to expand Future Land Use Change

**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



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₊



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,

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

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: [LL] (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

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

Policy 9.1.53: [LL] (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:

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

Policy 9.1.64: [LL] (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: [LL] (Formerly numbered 1.6; Revision Effective 1/7/10)

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: [LL] (Effective 6/28/95; Revision Effective 1/7/10)

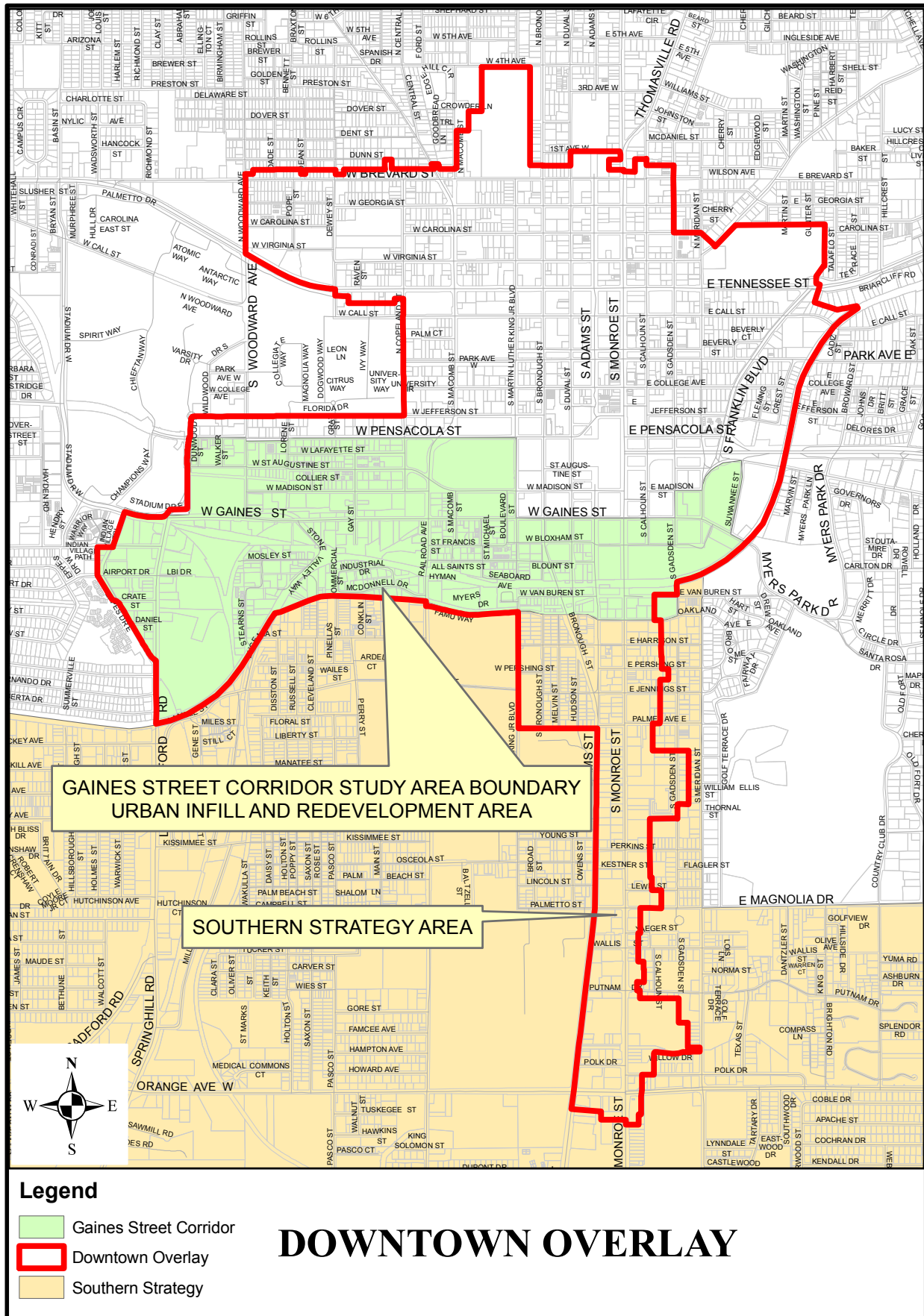
Attachment 1

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: [L1] *(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.

TEXT AMENDMENT #: PCT150104**APPLICANT: Tallahassee – Leon County Planning Department****TEXT / POLICY I.D.: Policy 2.2.18 of the Land Use Element****DATE:** January 28, 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 ANALYSISProject 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 designated 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 is 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 75% 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:

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.

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

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. 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.

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.

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.
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

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 exception, 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.

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.

Implementation Districts

Development within the Lake Protection category shall be regulated via two (2) primary zoning districts: Lake Protection (LP) and Lake Protection Node (LPN).

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).

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 development and redevelopment within the Lake Protection land use category. These

requirements shall be specified in the City of Tallahassee and Leon County ~~Minimum~~ Countywide Environmental Standards.

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.

~~4-5.~~ 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.

~~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.~~

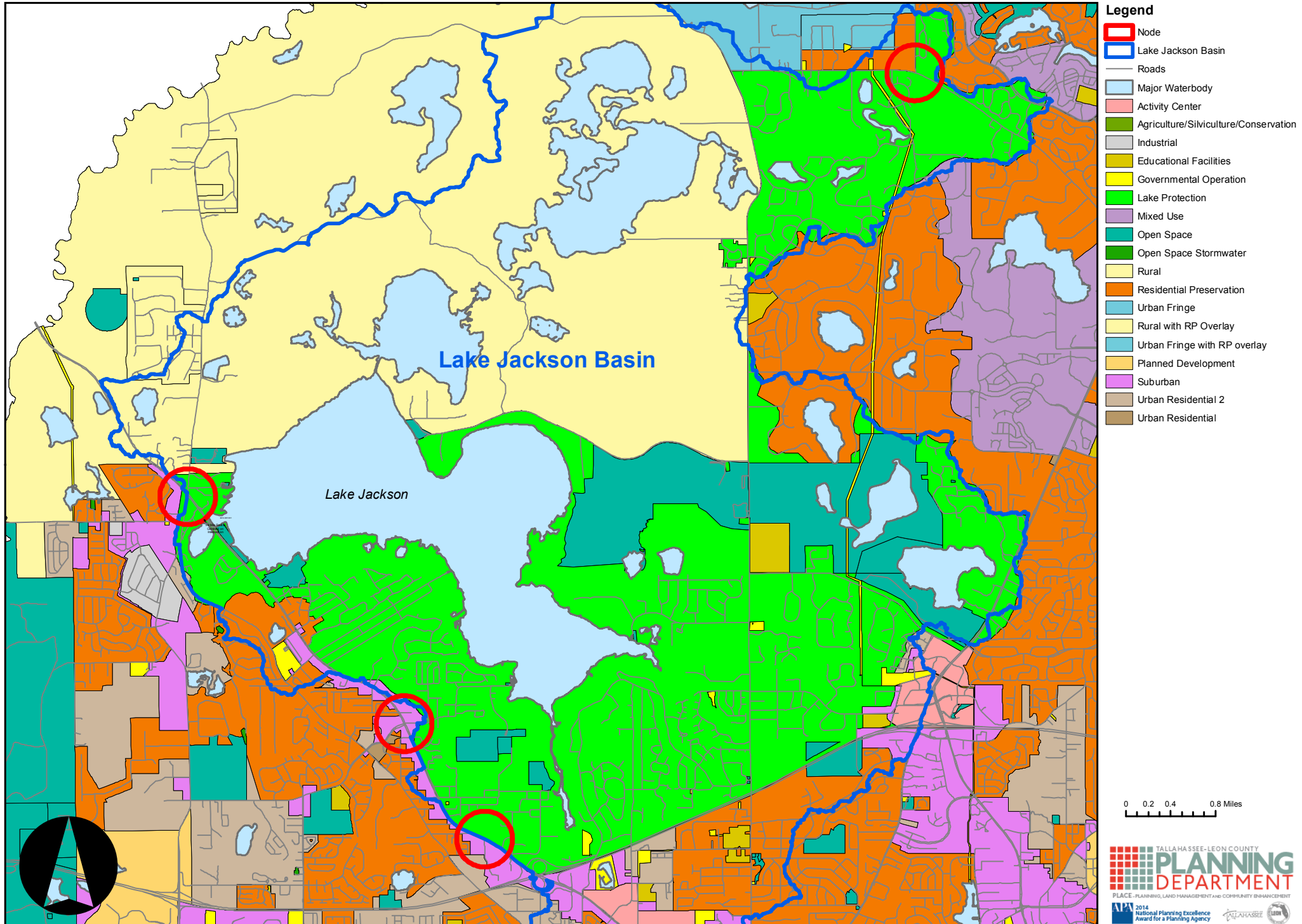
Additional requirements based on scientific studies and deemed necessary to protect the lake from further degradation, as well as improve existing water quality, will be included in the land development code. Existing non-residential uses within the Lake Protection land use category

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.

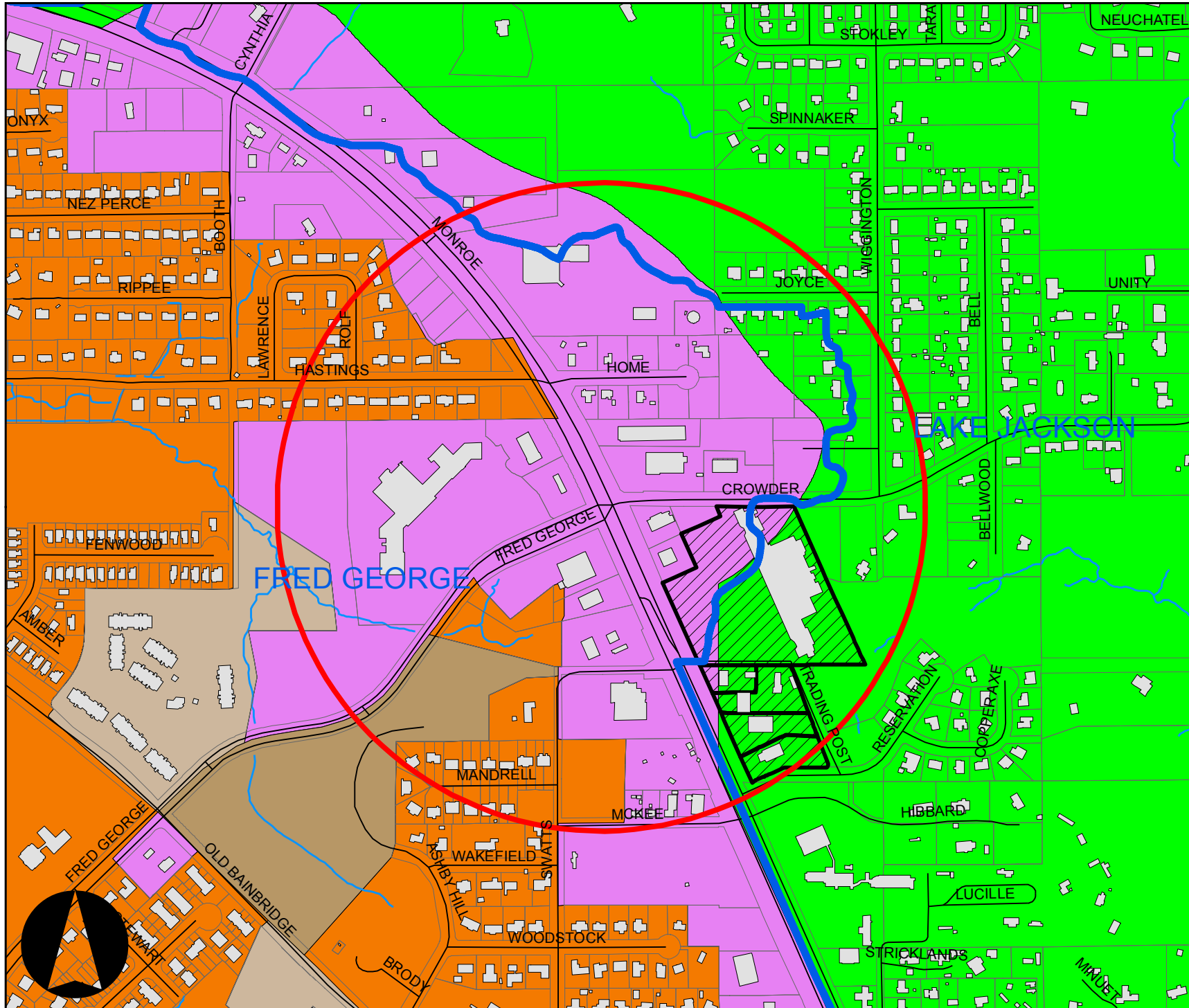
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Attachment #2: Proposed Nodal Areas



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

Attachment #3
Page 1 of 1



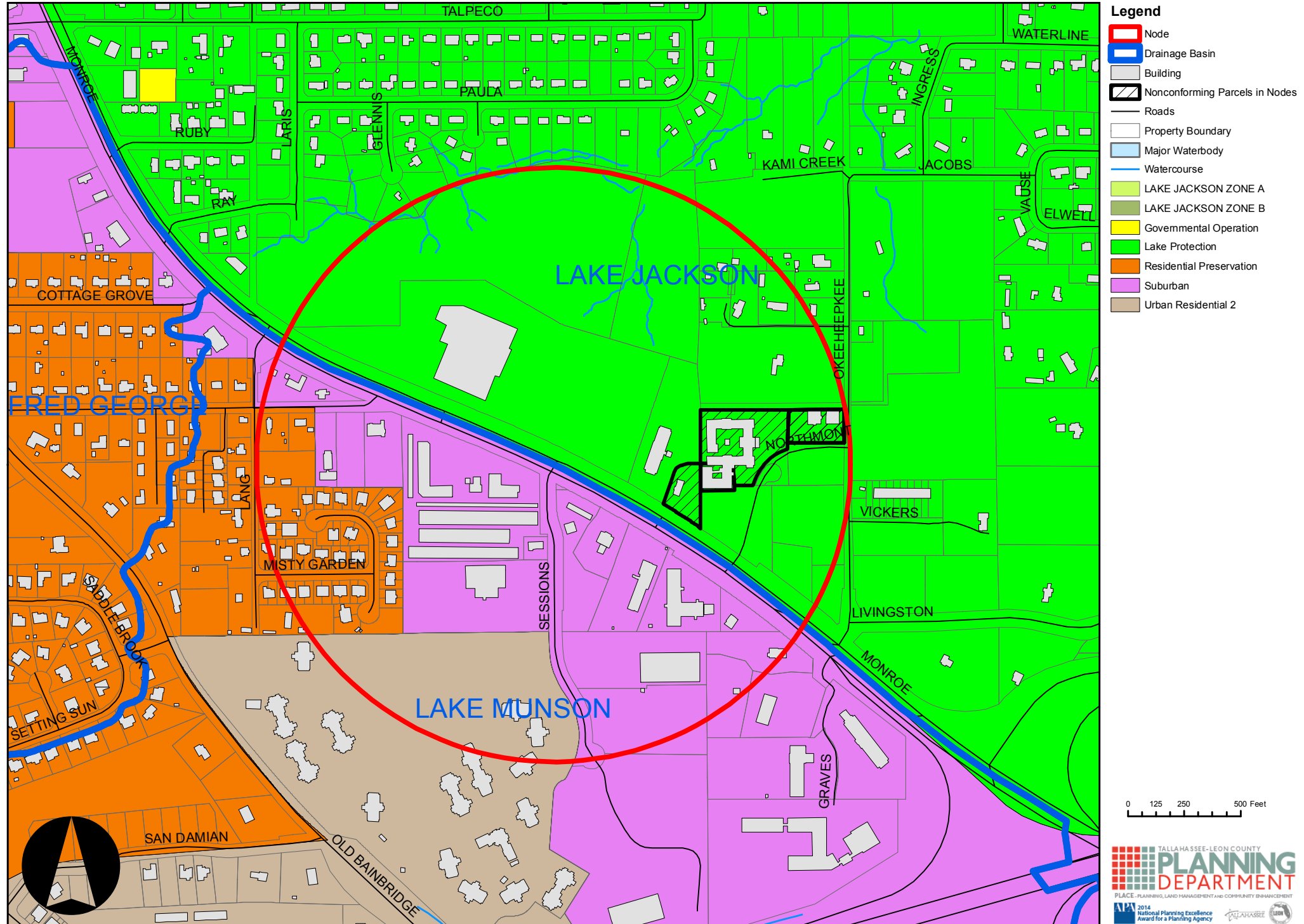
Legend

- 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

0 125 250 500 Feet

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

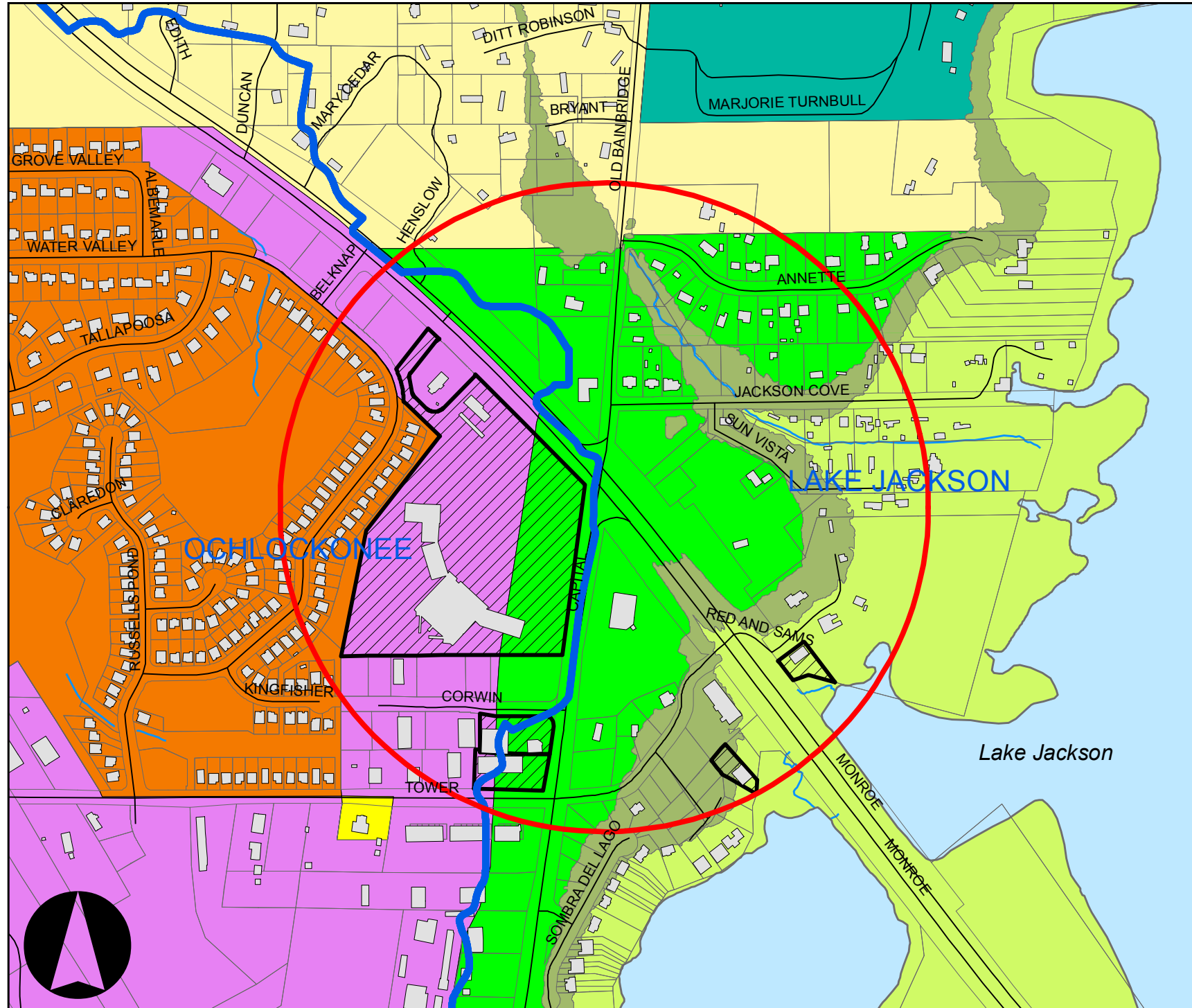
Attachment # 4
Page 1 of 1



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

Attachment # 5
Page 1 of 1



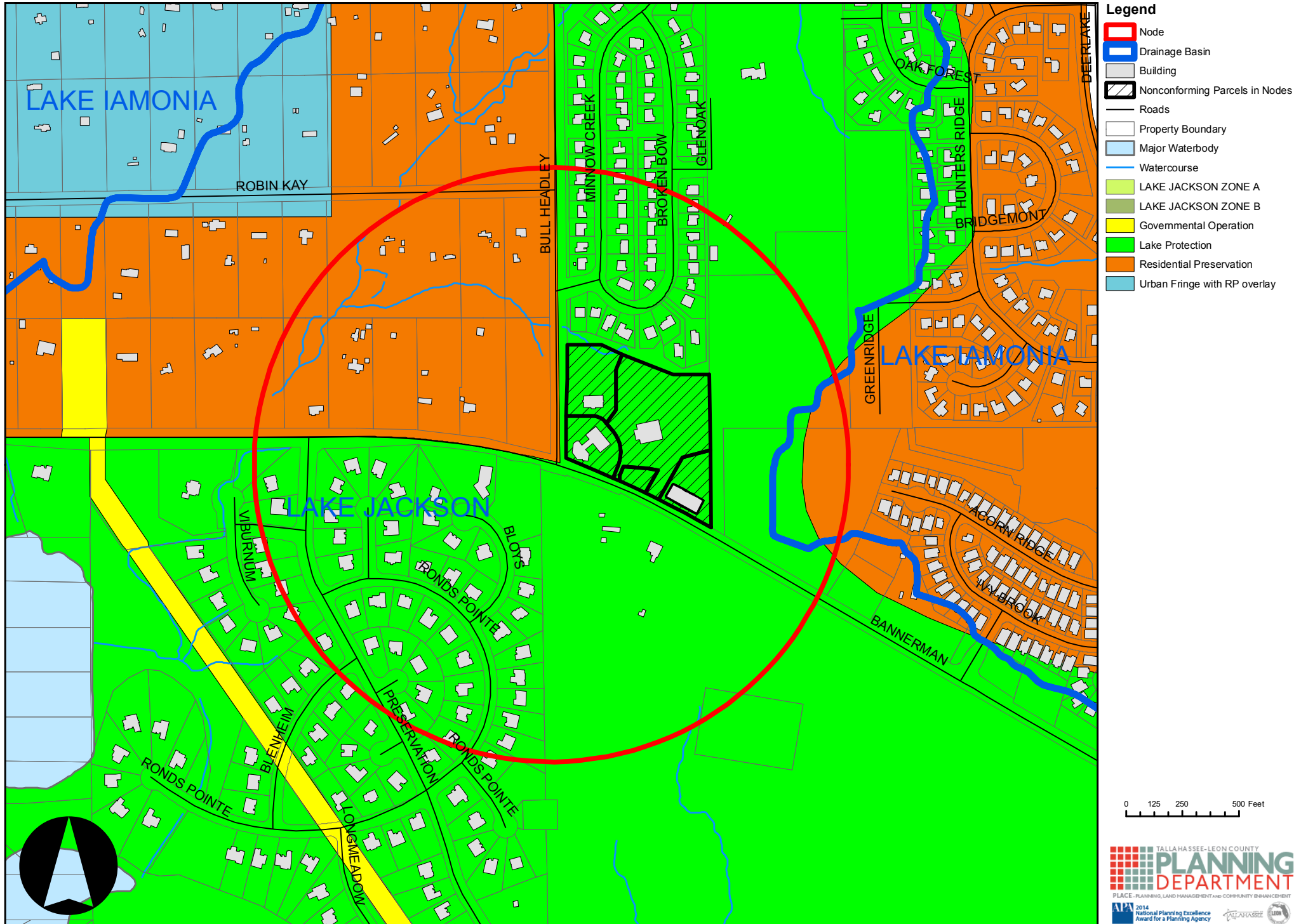
Legend

- 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

0 125 250 500 Feet

Attachment #6: Bannerman Road & Bull Headley Road Node

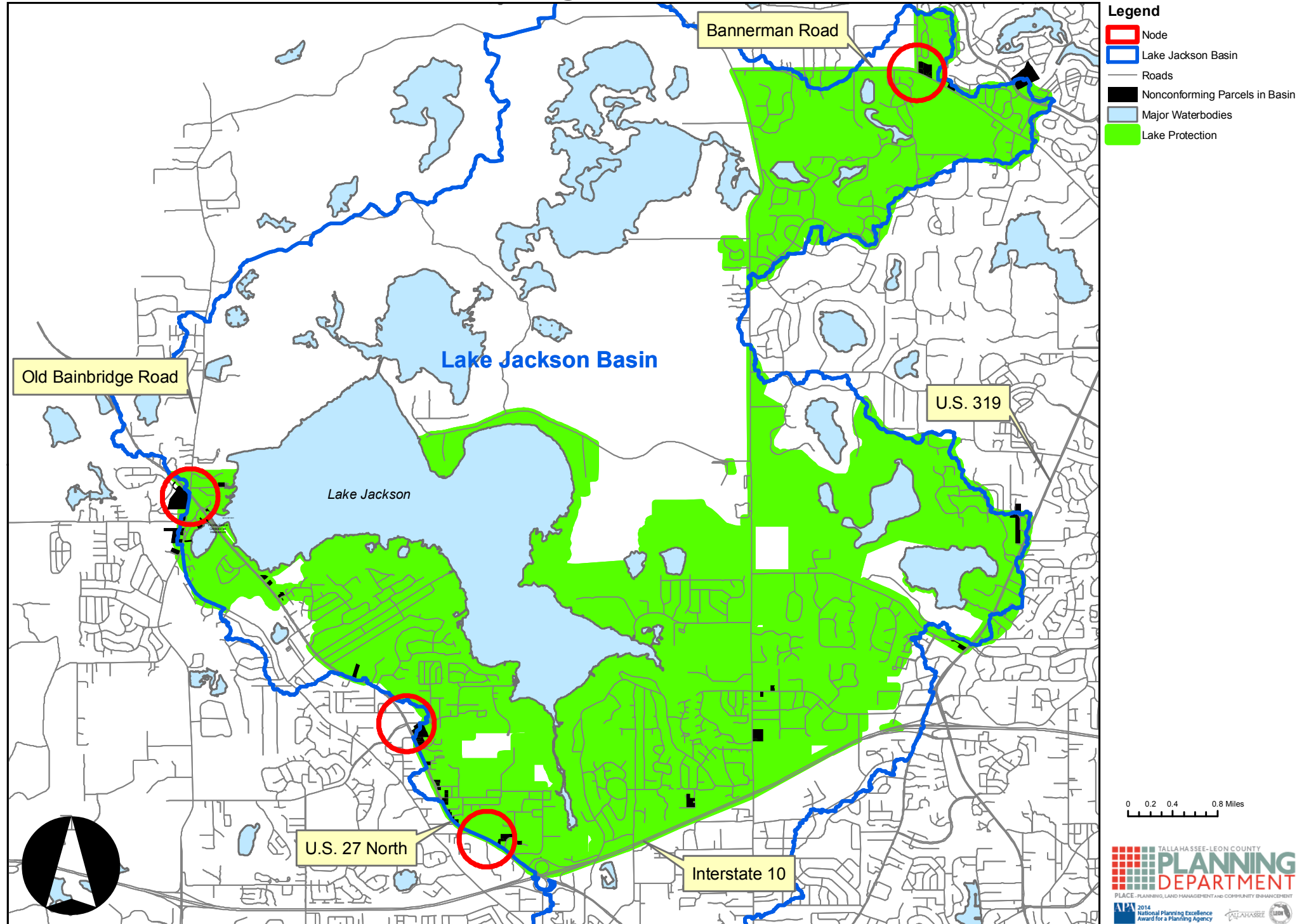
Attachment # 6
Page 1 of 1



0 125 250 500 Feet

Attachment #7: Nonconforming Parcels in Lake Protection

Attachment 7
Page 1 of 1



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

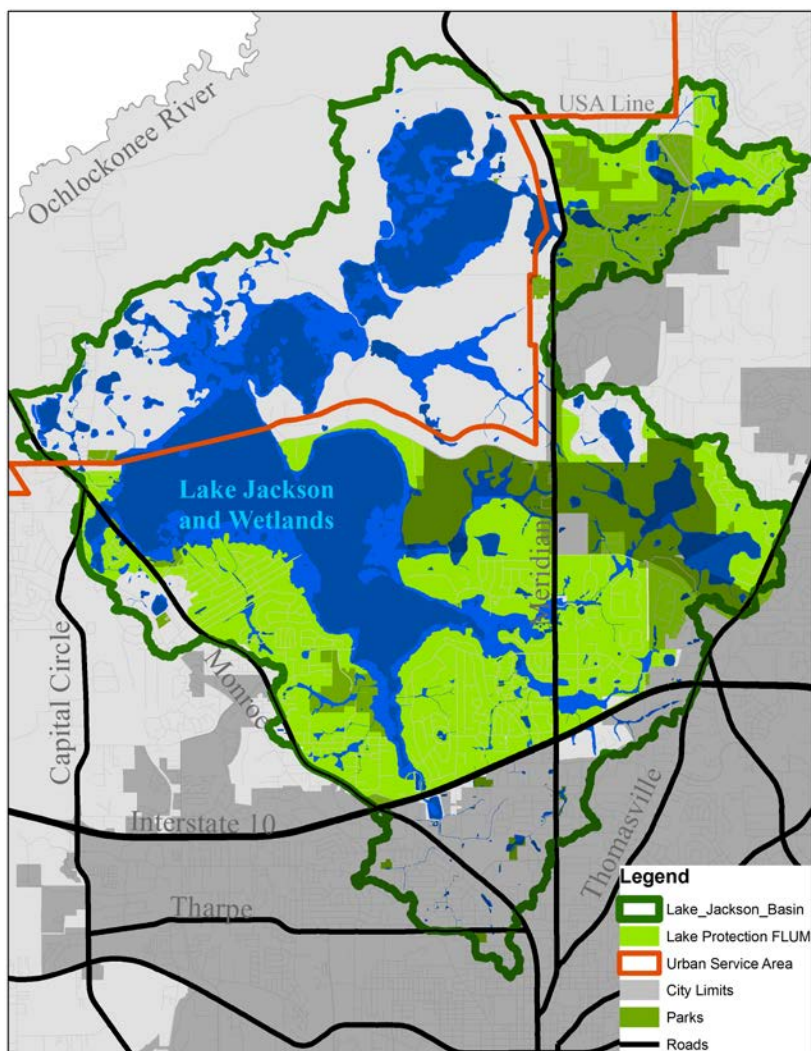
Implementation” have been used to provide a response to Board direction to promote sustainable development in Lake Protection.

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.

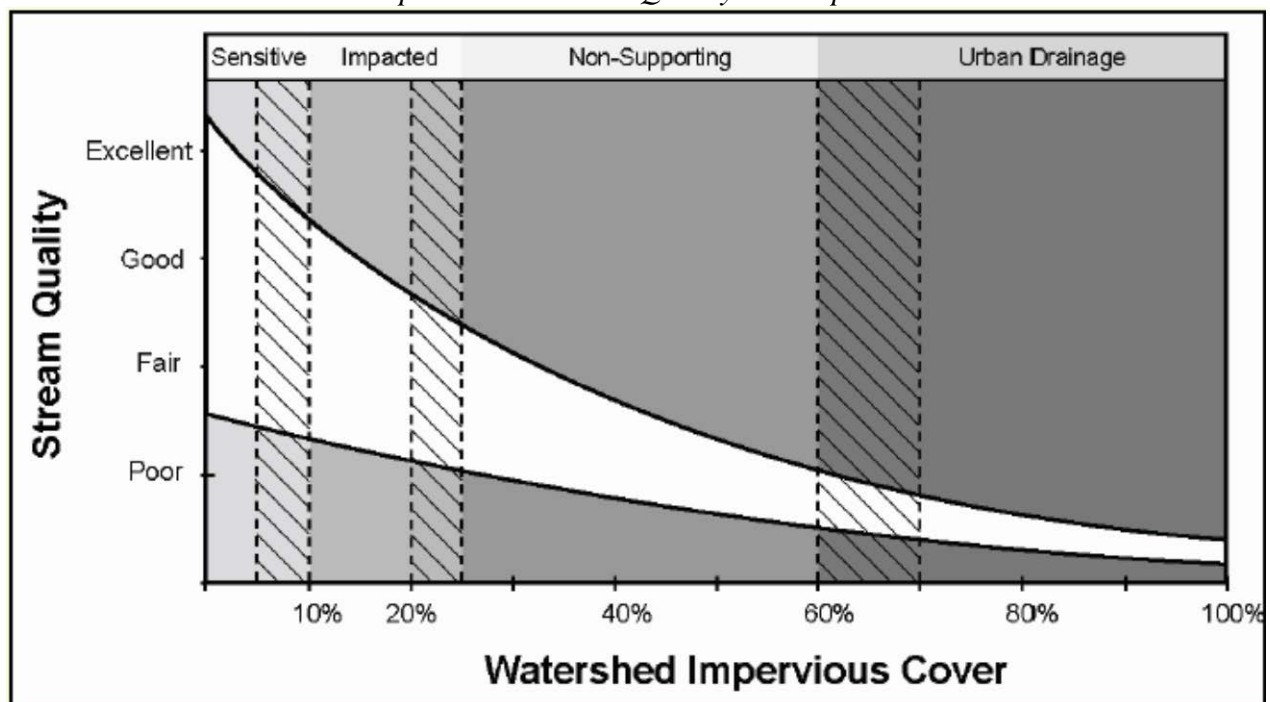
Given these issues, it is rational to consider new methods to allow for a more sustainable development pattern in this area that also protects the water quality of Lake Jackson. Targeting areas based on Smart Growth principles are intended to help support larger goals for a compact community that preserves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

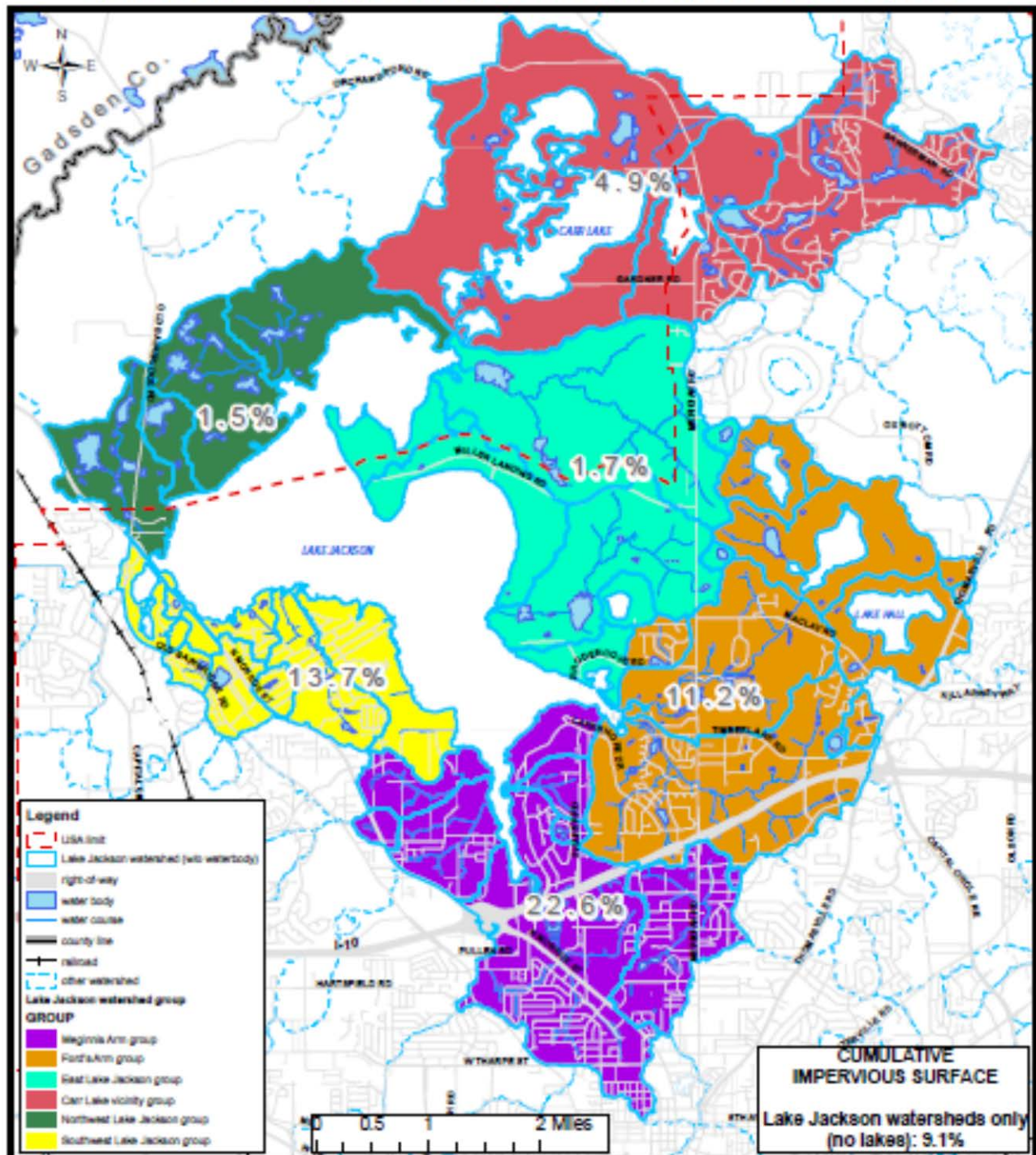
This chart from the June 2013 U.S. Environmental Protection Agency report “Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Quality” depicts the relationship between stream quality and watershed impervious area. The white cone 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

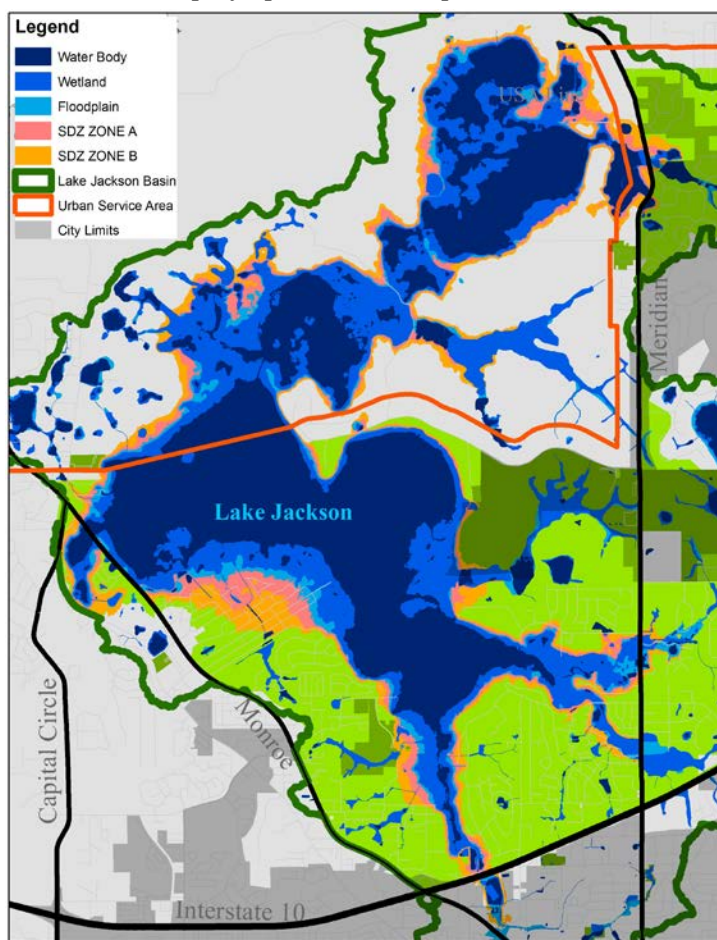
Special Development Zones are buffer areas beyond the wetlands and floodplains that surround Lake Jackson. The Zones are established by Policy 2.2.12 [C] of the Comprehensive Plan to help protect water quality by controlling the amount of land that may be disturbed. The following map demonstrates the 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.

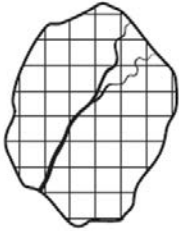
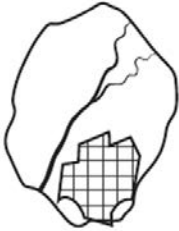

Recommendation #A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection stormwater standards.

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
		
10,000 houses on 10,000 acres at a density of 1 house per acre consume 1 entire watershed.	10,000 houses on 2,500 acres at a density of 4 houses per acre consume ¼ of 1 watershed.	10,000 houses on 1,250 acres at a density of 8 houses per acre consume ⅛ of 1 watershed.

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.

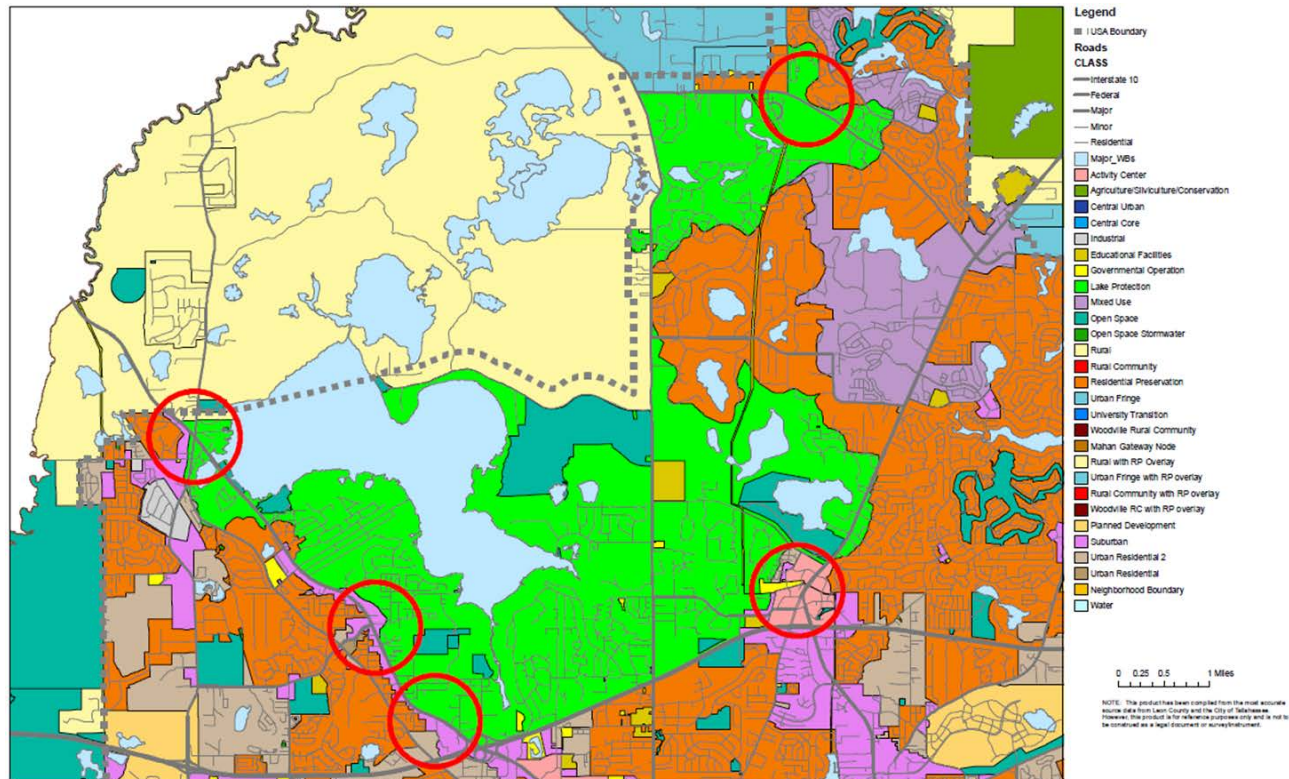
Other local examples include the Mahan Gateway Nodes as identified on the Comprehensive Plan's Future Land Use Map. These nodes were created based on community concerns that the recently widened Mahan Drive would eventually become lined with a strip of commercial uses similar to West Tennessee Street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



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.

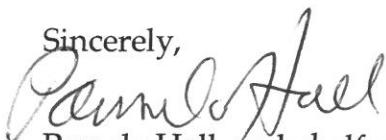
We believe our amendments will benefit the community and intent them to:

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,

A handwritten signature in cursive script, appearing to read "Pamela Hall".

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

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.

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

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.

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".

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 conversion 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 conversion 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

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

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.

**Attachment #4: Public Comments
received through
February 3, 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 [\[mailto:billrents@gmail.com\]](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>



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

ALUMNI

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: 1542 Mitchell Ave
Agency and the City/County Commissions:

wish the information below to be considered by the Local Planning

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

Charles E. Pickens

Please

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
Apartment A
1501 Grape Street
Tallahassee, FL 32303

32301

Fax: (850) 891-6404

I/We as owner(s) of property at this address:
Agency and the City/County Commissions:

Amendment # PCM150101

wish the information below to be considered by the Local Planning

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:

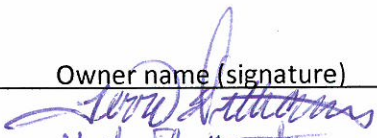








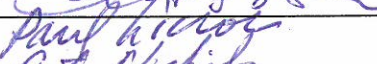
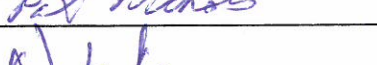

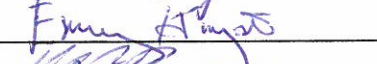
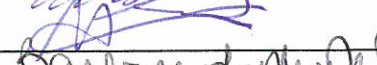
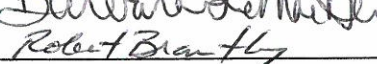

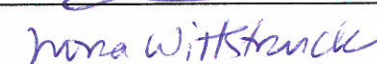

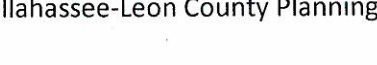

- Developing a safe, walkable street network
 - Separating pedestrians from the road;
 - Incorporating sidewalks throughout the neighborhood and connecting up to 6th Avenue to allow walking residents safe passage to schools and other neighborhoods, as well as providing pedestrian access east to Winthrop 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		757 Hunter St.
WALTER MOORE		1503 PAYNE ST.
Marian Moore		1503 Payne St.
Thomas L. Clark		1515 Payne St.
Margaret C. Clark		1515 Payne St.
Richard J. Green		1523 Payne St.
Tonya Chavis		1511 Payne St.
Kirsten Ebbesen		740 Hunter St.
Paul Nichols		722 Hunter St.
Pat Nichols		722 Hunter St.
Nate Johnson		726 Hunter Street
ANN HINGST		1507 Hunter St.
EMORY HINGST		
William Rogers		1527 Payne St.
Nancy Muller		
BARBARA LEMME DEVANE		756 Hunter St.
ROBERT M. BRANTLY		
Lei Zhu		745 Hunter St.
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.

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

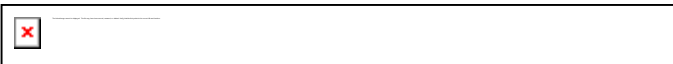
From: DeslogeB@leoncountyfl.gov
Sent: Wednesday, February 04, 2015 12:40 PM
To: Beaumont, Greg
Cc: Hodges, Steven M; Long, Vince; Tedder, Wayne; Favors Thompson, Anita; sabeaumont@comcast.net
Subject: Re: FW: Withdrawals of Proposed Comprehensive Plan Amendments
Attachments: ATT00001

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!

>

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>>

>>

> 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, ~~T~~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.

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

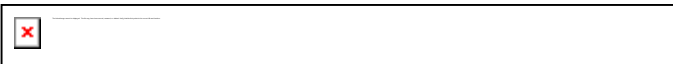
From: DeslogeB@leoncountyfl.gov
Sent: Wednesday, February 04, 2015 12:40 PM
To: Beaumont, Greg
Cc: Hodges, Steven M; Long, Vince; Tedder, Wayne; Favors Thompson, Anita; sabeaumont@comcast.net
Subject: Re: FW: Withdrawals of Proposed Comprehensive Plan Amendments
Attachments: ATT00001

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!

>

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>>

>>

> 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, ~~T~~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.