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**BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
SPECIAL MEETING  
MARCH 30, 2000**

The Board of County Commissioners of Leon County, Florida met in special session with Chairman Sauls presiding. Those in attendance were Commissioners Maloy, Host, Thaell, Rackleff, and Winchester (Commissioner Proctor was not present). Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, and Deputy Clerk Sandra C. O'Neal.

Invocation was provided by Commissioner Maloy followed by the Pledge of Allegiance to the Flag.

Pursuant to the following legal advertisement, a public hearing was conducted on alternative development concepts for the Bradfordville Sector Plan. This was established under the Interim Settlement Agreement in the case of Lake McBride Area Residents' Association, Inc., et al. v Leon County (Circuit Court Case No. 97-2689). The purpose of the meeting is to discuss alternative development concepts for the Bradfordville Sector Plan and to recommend a preferred alternative. The Sector Plan will deal with a wide variety of issues in the Bradfordville area, including land use and urban design, traffic and stormwater impacts, preservation of rural character, and other related issues. The meeting convened at 6:08 p.m.

3-29-00



**Board of County Commissioners  
NOTICE OF PUBLIC HEARING  
ON ALTERNATIVE DEVELOPMENT  
CONCEPTS FOR THE  
BRADFORDVILLE SECTOR PLAN**

Notice is hereby given that there will be a Public Hearing established under the Interim Settlement Agreement in the case of *Lake McBride Area Residents' Association, Inc., et al. v. Leon County* (Circuit Court Case No. 97-2689), held on Thursday, March 30, 2000, at 6:00 p.m., in the Commission Chambers on the 5th Floor of the Leon County Courthouse, 300 South Monroe Street. The purpose of the meeting will be to discuss alternative development concepts for the Bradfordville Sector Plan and to recommend a preferred alternative. The Sector Plan will deal with a wide variety of issues in the Bradfordville area, including land use and urban design, traffic and stormwater impacts, preservation of rural character, and other related issues.

If you have a disability requiring special accommodations, please contact the Leon County Community Development Office at least three working days prior to the meeting at 488-9300; 1-800-955-8771 (TDD), or 1-800-955-8770 (Voice), via Florida Relay service.

Please be advised that if a person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the meeting, and for this purpose such person may need to ensure that a verbatim record of the meeting is made.

**Board of County Commissioners**  
**Public Workshop and Hearing Request for March 29 and 30, 2000**

Date of Meetings: March 29 and 30, 2000  
Date Submitted: March 27, 2000  
To: Honorable Chairman and Members of the Board  
From: Parwez Alam, County Administrator  
Gary W. Johnson, *Director*, Community Development Department  
Subject: Selection of Preferred Development Alternative for the Bradfordville Sector Plan

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**Purpose:**

Presentation of Bradfordville alternative development concepts and the selection of an alternative by the Board of County Commissioners.

**Background:**

As part of the Bradfordville Sector Planning process, Wallace, Roberts and Todd was selected as the consultant to conduct the sector planning or strategic planning process as identified in the Bradfordville Interim Settlement Agreement (ISA) and the Bradfordville Interim Development Ordinance (IDO).

As part of this process, the consultant has prepared alternatives, based on input by stakeholders, working groups, the general public and staff. These alternatives and the analyses of associated stormwater and traffic impacts are included in Attachment #1. The Board needs to select an alternative. The Board can select from the 5 commercial alternatives and 2 rural concepts presented or can revise any alternative to better reflect the intent of the Board's direction. The consultants will build upon the selected alternative in preparing the draft sector plan. Other opportunities will be provided for Board review and decision making along with public input before a final draft plan is presented on May 30, 2000. Attachment #2 outlines the sector planning process from this date forward, and Attachment #3 is the meeting schedule for this process. As evident from the process described in these attachments, failure to select an alternative will seriously jeopardize completion of this process by June 30, 2000.

**History of process.** The consultant and county staff held meetings with stakeholders on February 10 and 11, 2000. A working paper was prepared subsequent to this meeting, which summarizes the history of the issue, and the input from the stakeholder interviews (Attachment #4). On February

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24, 2000, the consultant and county staff met to brainstorm ideas and to develop alternatives. A meeting was also held with representatives from the Bradfordville Homeowners Associations on February 24, 2000 for inclusion in the strategic planning process as mandated by the ISA and IDO. The results from these meetings were taken into consideration and used as the basis for the development of the alternatives developed by the consultant for the Bradfordville area. The alternatives were presented to the public at the Bradfordville Community Sector Planning Meeting on March 9, 2000 at Lawton Chiles High School. The minutes from that meeting are provided in Attachment #5.

The Bradfordville Working Groups have also provided a substantial amount of input into the sector planning process, and into development of the alternative development concepts. The Commercial Needs group's calculations resulted in the range of alternatives presented for the commercial center. An update of the status of each of the working groups is included as Attachment #6. The findings of the Commercial Needs group follow its status report. Additional draft materials from certain groups are provided immediately following the status reports as follows:

- Attachment #6A: More stringent design standards from the Conservation and Preservation Working Group, entitled "Proposed Code Revisions for Bradfordville" and "Proposed Ordinance Language Requiring Minimum Standards for Erosion and Sedimentation Control Devices"
- Attachment #6B: Lake McBride Special Development Zone -- Draft Proposal
- Attachment #6C: Meeting summary for Bradfordville Storm Water Study Peer Review Board Meeting of March 16, 2000.

Any additional working group results will be provided to the consultant upon completion for use in the sector planning process. All working group products will be presented to the Board along with the sector planning report.

**Analysis:**

The analysis for this agenda item is provided in the attachments, particularly in Attachment 1, which includes the development alternatives, and Attachment 6, which outlines information from the working group process. Planning Commission remarks about the 5 alternatives will come to the Board under separate cover for the March 30, 2000 Public Hearing Meeting.

**Options:**

1. Select an alternative and direct staff and the consultant to refine the alternative and make a presentation to the Board at a public workshop and hearing on May 11, 2000.
2. Select an alternative with revisions and direct staff and the consultant to refine the alternative and make a presentation to the Board at a public workshop and hearing on May 11, 2000.
3. Provide other direction to staff.

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**Recommendation:**

According to the Interim Development Ordinance, staff must prepare a preferred alternative, and present it with the other alternatives to the Board. Consistent with these requirements, staff is presenting Alternative Concept B-1a as the preferred alternative, and requests that the Board provide direction. As noted previously, failure to select an alternative at this time will seriously jeopardize completion of this process by June 30, 2000.

- Attachments:
1. Alternative Development Concepts with stormwater and traffic analyses
  2. Bradfordville Sector Plan Outline and Schedule
  3. List of Public Hearings and Meetings
  4. Working Paper One: Summary of Needs, Issues and Opportunities
  5. Minutes of Community Charette of March 9, 2000
  6. Status of Bradfordville "Working Groups"
    - 6A. Proposed Code Revisions for Bradfordville and Proposed Ordinance Language Requiring Minimum Standards for Erosion and Sedimentation Control Devices
    - 6B. Lake McBride Special Development Zone -- Draft Proposal
    - 6C. Summary of Bradfordville Storm Water Study Peer Review Board Meeting of March 16, 2000
  7. Notices of Board of County Commissioners Workshop and Board and Planning Commission Public Hearings for March 29 and March 30, 2000.

According to the Interim Development Ordinance, staff must prepare a preferred alternative, and present it with other alternatives to the Board. Consistent with these requirements, staff is presenting Alternative Concept B-1a as the preferred alternative, and requests that the Board provide direction.

A presentation was made on Bradfordville alternative development concepts. Ms. Valerie Hubbard, Planning Department, explained the actions the Planning Commission took at their meeting last evening and a draft summary of the meeting was provided to the Board. The Planning Commission indicated that due to insufficient time and information, they did not feel that they could make a recommendation on an alternative for the Bradfordville Sector Plan. It was noted that failure to select an alternative at this time would seriously jeopardize completion of this process by June 30, 2000.

Commissioner Thael remarked that his preference was to have a more realistic schedule and to be able to work more closely with the consultant in communicating the Board's principles for development for the overall Bradfordville Study area. He stated that certain things should be accomplished such as the stormwater data to support team documentation so property owners would have a sense of what they can or cannot do with their property. He stated that he believes that the stormwater study was conducted under scientific protocols and that there would be general agreement with the outcome.

Commissioner Rackleff concurred and stated that the Board may find combinations of different elements of the plans and creative ideas. He quoted from the Minutes of the Planning Commission meeting, indicating that Commissioner Davey suggested that the Commission did not have enough information to review the issue. Commissioner Rackleff stated that he would not be able to give the consultants direction on any of the choices.

Ms. Hubbard explained that John Fernsler of WTR, consultant, would be discussing the matrix and address questions on key points in hopes that a decision would be made so staff could move forward with the process under the agreed upon Board schedule.

Mr. Fernsler of WTR, Sector Plan Consultant Group, appeared and made suggestions on ways they could look at the alternatives, compare them to certain principles, and evaluate them based on some rational criteria, thus giving the Board the basis for judging and determining what would or would not be consistent with the Comp Plan policies. He pointed out that the intended schedule was to receive the Board's decision this evening and in 30 days come back with a draft plan. If definitive direction is not received tonight, then the schedule would have to be amended.

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As pointed out by Mr. Fernsler, citizens suggested that the sector planning process could consider modifications to the comprehensive plan. He advised that, as a consultant, his mandate from staff was to develop a sector plan that demonstrates compliance with present Comprehensive Plan policies. But if it was the Board's desire to consider modifications to the Comp Plan policies, it would alter the process and they would have to begin with the finding, determine how to change comp plan policies, develop land use concepts that reflect those policies and test them, make a selection and then draft a plan. This would affect the schedule.

Assuming that he would stick to the mandate, Mr. Fernsler explained that even though the sector plan is a rather complex document, he would synthesize the policies and the relationship between the policies and the present regulatory situation as three areas of concern - #1: Is sprawl being adequately controlled in protecting rural character; #2: Is the amount and type of commercial development in the center being adequately managed; #3: Will adequate standards be developed to address concerns about stormwater in the protection of the chain of lakes. Although he does not have all the information digested concerning stormwater, Mr. Fernsler offered that he does have significant information to help address the first two items. Through visual aides, using a diagram and slides, Mr. Fernsler showed the Bradfordville Study Area and urged the Board to not lose focus on the fact that the bulk of citizens' concerns are the amount of commercial development within the center. He also emphasized the need to address concerns throughout the remainder of Bradfordville so issues can be addressed in a comprehensive fashion.

Mr. Fernsler advised that he intends to come back to the Board in 30 days with additional areas of refinement and include some choices of interpretation as it relates to land use element to determine what the changes in land use policy should be. A design charrette would be conducted to articulate the character of this area and deal more specifically with land development regulations, buffers, setbacks, and design character. The starting point would be to consider the types of mixes and intensity of land use within the center and then make adjustments elsewhere.

A series of representative questions were circulated by Mr. Fernsler that would assist in providing direction from the Board: 1) Is there additional information the Board needs to make a preliminary decision or to give the consultant a preliminary direction; 2) Should the County accept the land use provisions of the 163 agreement or is there some flexibility with regard to those land uses; 3) Is a sub-regional office employment center consistent with the Comp Plan, if not, then they should be careful about the amount of BOR that is

designated or designate within the BOR a residential component; 4) Is the county prepared to down-zone some properties; 5) Should the plan explore the acquisition of green space to serve as a mitigation bank - it is not certain if the stormwater study would indicate that it is necessary, although it would make the task easier if there was an offsite way to address those concerns; 6) Should Bradfordville Planned residential include some neighborhood retail - there is no land use that allows incorporation of commercial with a planned residential area; 7) Should the County pursue the road linkages - the loop around the Bradfordville Corners to define that as a neighborhood center and the extension of the parallel route north of Thomasville Road to help mitigate traffic concerns; 8) Is automobile-oriented retail a reasonable use for the infill lots - the Comp Plan does not speak directly to auto-oriented commercial which is the type of commercial that is designated on the Lauder property. Mr. Fernsler stated that these are an array of non-secular questions that should be addressed.

The consultant used an overhead projector demonstrating the beginnings of a matrix framework for objectively evaluating six alternatives using certain criteria. (The six concepts were A-1 - Minimum Commercial Space with Open Space; A-2 - Minimum Commercial Development with Mixed Use; B-1 - Compact Village Center with Bradfordville Planned Residential/Open Space; B-1a - Compact Village Center with Bradfordville Planned Residential/Open Space and Additional Commercial Development on the Lauder Property; B-2 - Compact Village Center with Mixed Use; C - Existing Commercial Zoning.

Mr. Fernsler explained that the second criteria involved commercial needs and it should be determined which one is commensurate with commercial growth - the commercial needs computation group arrived at a range of 0 - 183,000 - to 300,000 square feet of commercial. He raised the following questions: Is the Board consistent with the rather vague concept of having a single center, depending on what the definition of a single center is; Plans A-1 and A-2, B-1a has defined within the commercial area a more cohesive neighborhood center with varied amounts of commercial and automobile commercial around it. Traffic implications were also discussed and Mr. Fernsler explained that traffic is influenced by the quantity of additional development and related trips and other mitigating action such as local network improvements and continuation of the loop east of Thomasville Road in the parallel route to the west of Thomasville Road.

Commissioner Winchester suggested incorporating flexibility in whatever land use alternative is ultimately selected. Noting that there is dissention on the issue of rezoning, he suggested that the consultant come back with other mechanisms other than rezoning.



In response, Mr. Fernsler stated that any of the plans selected would need refinement and he intends to come back in 30 days with choices of interpretation on land use conditions. Mr. Fernsler advised that from a consulting standpoint, the following issues need to be addressed in order to craft a plan: What kind and size of center does the Board envision, what kind of mix of uses should it have, what kind of techniques would be used for open space, downzoning, and construction of roads.

The following citizens appeared:

Mr. Scott Hannahs, 5051 Quail Valley Road, stated that all the information was not available at this time, including the stormwater study and the commercial needs analysis. He suggested that the Board extend the time line that is in the IDO (Interim Development Ordinance) by five months. He suggested that a design charrette be conducted so everyone could participate and also recommended that sector planning be done throughout the county.

Ms. Leanne Jowers, 7754 McClure, expressed her concern that the sector planning consultant group was forced to make choices for the Board before the stormwater study was done. She stated that she opposes B-1 alternative suggested by the County Attorney and emphasized the importance of Lake McBride being protected.

Ms. Pamela Hall, 5051 Quail Valley Road, president of CIRCA (Centerville Road Community Association) engaged in discussion on the commercial needs in the Bradfordville area and indicated that during the workshop there was confusion regarding supply and demand. She circulated information, discussed the matrix, and questioned whether the plans were commensurate with commercial growth. Ms. Hall stated that she does not agree with WRT's assessment that alternative B-1 through B-2 meet the commercial needs analysis, that Bull Run development should be included in the calculations, and that the definition of single center was vague. She voiced concern that Thomasville Road would end up being a commercial strip mall.

Mr. Jack Conrad, Millstone Plantation, Lake McBride, advised that a peer review group was needed and that to follow the process, the full and complete review and assimilation of the lake study was necessary. He raised the question: Can any of the alternatives mentioned by the consultant actually be accomplished. He suggested that the consultants be unleashed to do their best work and to involve all the stakeholders and homeowners, and come up with an innovative and proper solution.

Mr. Steve Sclude, 7009 Foxglove Lane, asked if the purpose of tonight's meeting was to vote and make a selection on plans B-1 through C. He also inquired if the findings of the March 9 charrette had been incorporated in Options A1 - C. Mr. Fernsler responded that a charrette was not conducted but his consulting firm made an initial presentation of these concepts and heard public input, but he did not hear nor see any alternative offered to the these concepts during that time. He stated that if a plan has to be chosen tonight, his suggestion would A-1, B-1, and B-1a, in the order.

Mrs. Mary Alma Lang, 6025 Roberts Road, stated that any commercial needs projections were simply guesses and clarified that the market would determine the pace in which Bradfordville would develop. She urged the Board to focus commercial use in one area of Bradfordville and not develop other areas. Mrs. Lang recommended adoption of Plan C and to work with it to develop an area that would satisfy all parties involved.

Mr. Joe Serpico, 2140 Orleans Drive, requested that the Board approve Plan C, which is the zoning in place at this point. He stated that he was one of the people that had to put a halt to his development and urged the Board to make a decision. He commented on the needs assessment meeting indicating that more thought should have been given to the property owners that plan to develop the area.

Mr. Jim Godfrey, 3476 Bannerman Road, requested that the Board approve Alternative C and not down-zone the property. He indicated that other concerns could be addressed through the land use development code.

Dr. Harry Taylor, 3805 Bradfordville Road, explained that he has practiced veterinary medicine at the site for 33 years and was promised that his property would remain commercial so that he could continue his operation. He requested that his property be allowed commercial designation.

Attorney Randy Denker, 7600 Bradfordville Road, stated that Dr. Robert Dyle just received the lake study yesterday and that an addendum was to be forthcoming in April. She stated that the Court Order requires that the Peer Review Board (PRB) review the lake study and urged the Board to follow the process. Ms. Denker stated that she does not agree with a lot of the information provided tonight in the summary provided by WRT. She discussed alternatives, alleging that they do not meet the Comp Plan, and stated that the injunction would not go away until the Judge says that the Comp Plan has been complied with.

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Ms. Gloria Aguilar, 7328 Granddale Road, voiced concern that the charrette was an opportunity for citizens to provide input, but it was only a series of presentations from various experts. She stated that she opposed additional commercialization in the area and that more input from residents is needed.

Mr. Pat Rose, 5171 Widefield Road, indicated that the entire process should be reworked and that whatever goes into a sector plan, it should be consistent with what the area looked like 10 years ago. He stated that the residents are opposed to urban sprawl and encouraged the Board to take additional time to review the plan.

Mr. Carl Pennington, Route 19, Box 1389, Bradfordville Road, stated that he is representing Bradfordville/Phipps (known as Bradfordville Corners), John Lewis/SuperLube, Harry Middlebrooks, and he is co-counsel with Marshall Conrad for the Lauder Family. He stated that stormwater does not drive the use of the property and that there is 40 percent maximum impervious in all three categories. He stated that if the parties were to build to the maximum, there would be the same amount of water runoff from commercial as for office, and almost that much from high-density multi-family. Mr. Pennington requested that Mr. Phil Downs approach the Board.

Mr. Phillip Downs, 2992 Habersham, explained that he is a partner with the firm of Kerr Downs Market Research and a Professor of Marketing at FSU. Using visual aids, he explained that the company obtained information on how the residents of the Bradfordville Study Area (BSA) felt about retail development. Mr. Downs gave a lengthy presentation and reported on the various questions that were asked in the survey and the percentages of responses in different categories. He stated that the study revealed that the residents were interested in retail development.

Commissioner Rackleff opined that the area has resulted in suburban sprawl and over-development of the northeast. He requested that Mr. Downs provide a copy of his report to each Commissioner showing the methodology and other items. Mr. Downs stated that he would make material available upon the clients' consent.

Mr. Tom Osteen, 805 N. Gadsden Street, a planner with the firm of Moore, Bass, and Bibler, focused his comments on selection of a preferred development alternative. He stated that two years ago the Board proposed an alternative in the form of a rezoning; zoning predicts an expected land use pattern but it does not necessarily promise an exact number of square feet of a certain kind of land use or number of units that can be achieved in that land use pattern. He

explained that Exhibit C shows the existing zoning and shows a land use pattern but it does not specify a number of square feet for commercial space; that can only be a function of the overlay of stormwater traffic concurrency and design standards as implemented by the Leon County Code of Ordinances. Mr. Osteen advised that there is an existing pattern in place and there does not seem to be a reason for going backwards, and encouraged the Board to adopt Alternative C which leaves the existing zoning in place.

Mr. Pennington referred to the Bert Harris Act and pointed out that his four clients were vested and were at least entitled to common law estoppel. He explained that his client bought property with a contingency in the contract that the south half would be rezoned or they would not purchase it. They purchased the property, hired engineering firms and experts, went to the expense of putting in water and sewer, moved an electrical distribution line, and went through the permitting process and concurrency studies, based on the zoning.

Mr. Marshall Conrad, 227 S. Calhoun Street, explained that he lives in the Bradfordville area and that he also represents clients in the area. Mr. Conrad stated that the 1991 Comp Plan does not have to remain in its present form when going into the 21<sup>st</sup> Century, but current conditions, trends, new population and new growth need to be taken into consideration. Mr. Marshall suggested that Alternative C was consistent with the Comp Plan and urged the Board to not downzone the property.

*The Board recessed at 9:20 and reconvened at 9:30 p.m.*

The following speakers appeared:

Mr. Harry Middlebrooks, 618 Live Oak Plantation Road, remarked on the history of Bradfordville in the last 15 years and indicated his support for Alternative C. He referred to drainage basins 1 and 2, auxiliary road systems, and his property around the new high school, which involved a settlement agreement. Mr. Middlebrooks explained that he donated right-of-way so the auxiliary road system could get started and urged the Board to work the auxiliary road system into Alternative C, and that it be done up front in the process, rather than later.

Mr. Frazier Bingham, 1892 Ox Bottom Road, stated that he lives in the Bradfordville Study Area which includes the proposed Bull Run Project. He reminded the Board that the Bull Run project proposes some square feet of commercial development. Since it is in the City limits, he recommended that the County meet with the City and clarify if the Bradfordville Study requirements include Bull Run. Mr. Bingham stated that the Comp Plan was never amended

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to exclude the Bull Run Project from the Bradfordville Study area requirements. If the Bull Run Project is approved by the City, he feels that the Bradfordville Commercial activity would wither and that it would be in direct competition.

Mr. Will Messer, 3261 Citation Trail, urged the Board to make a decision and stated that he believes that the people in the community want commercial services in place with the caveat that it does not destroy the lakes in the area.

Some citizens requested to speak on the issue again and the Chairman suggested that they limit their time to 15 minutes.

Mr. Pat Rose, 5171 Widefield, stated that he hopes that in planning for Bradfordville, that the growth issues be balanced and that the lakes be protected.

Ms. Randy Denker, 7600 Bradfordville Road, reminded the Board to keep their attention focused on legal issues, which would get the County out of the injunction. She stated that the survey did not address the actual needs of the Bradfordville area and referred to comments made by various speakers. She stated that she agreed that zoning was no guarantee that they would be able to build something and that she does not agree with equitable estoppel.

Ms. Leanne Jowers, 7754 McClure, raised the question: Would a variance be given to keep Lake McBride from having to meet the new standards. She stated that many of the lakes have been damaged in the Bradfordville area because of development and that Lake McBride deserves the same consideration as the rest of the Bradfordville Study Area. She requested the Board wait to hear from the peer review board before making a land use decision.

Ms. Pamela Hall, 5051 Quail Valley Road, referenced the survey and the population numbers, and stated that Rick Fazone, Planning Department, used the same data, census track, and projection method, and the area was confined to the BSA. She also quoted from Judge Davey's Order.

Commissioner Thael stated that an inaccurate statement was made alleging that the County Attorney had told the Board that they did not have to follow the Comp Plan. He explained that the County Attorney referred to the following Comp Plan language: "These objectives and policies are considered supplemental to all other objectives and policies within the Comp Plan which apply to this area" and advised that the law would have to be followed.

County Administrator Alam explained that the County Attorney, the GEM Director, and himself met and agreed to recommend B-1-a as an alternative which deals with Chapter 163 agreements.

Commissioner Host explained that the Board would need to deal with two issues tonight, the commercial node and the larger issue that deals with rural roads, urban sprawl, and other issues. He stated that he would like to focus initially on the commercial node, which he believes limits sprawl because it limits commercial development to one location in Bradfordville.

Commissioner Host moved to adopt Alternative C zoning, which is currently existing on the property and directed staff, once they receive the stormwater overlay, to create the design standards for additional traffic that would be contained in the service roads (noting that it may not be the service roads depicted on the map) shown in Alternative B-2 and B-1-a and something similar that staff can work out. Commissioner Maloy seconded the motion.

Commissioner Host stated that this option only provides zoning in an area and it does not provide a particular amount of square footage; based on the overlays that were developed for stormwater, it limits design standards, setbacks, and other characteristics.

Mr. Thiele stated that the moratorium is from December 3, 1998 through July 1, 2000 and in order to seek the court injunction to be dissolved, the County would need to demonstrate to the Court that they have complied with the Comp Plan and all the factors that the Court has listed. The Board has till the first week of June to have the ordinance in final form to make the July 1 deadline.

Commissioner Winchester offered a substitute motion to continue to explore Alternative B and C and instruct staff and the consultants to work with those issues. He stated that he will go on record as not supporting down-zoning, but he would support other alternatives. The motion was declared dead for lack of a second.

Commissioner Rackleff stated that this was an unrealistic schedule to make it by June 30, and suggested an extension.

County Attorney Thiele advised that if the motion fails, it would remain status quo and exhibit C is what exists.

Commissioner Host stated the Board's responsibility tonight is to give staff direction and the Board is asking staff to overlay what is today's property rights with service roads, and stormwater standards that would come out of this study, and develop a set of design standards, and come back with a plan that the Board can evaluate. Commissioner Winchester requested that Mr. Fernsler frame the discussion and the alternatives, which he did. Mr. Fernsler suggested that it

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would be difficult to testify that Option C essentially met the Comp Plan requirements because they have a product resulting from the commercial needs working group; the group did not come to a conclusion but they came up with a range and the present zoning (in Option C) is well beyond that means. He stated that it would be difficult to rationalize.

Commissioner Host indicated that stormwater impacts would limit some amount of development as well as the scale of the design and that would part of the exercise. Mr. Furnisher stated that he does not know at this time if that is the case, but that he could develop scenarios of off-sight mitigation that some portion of that area that is now designated commercial would be purchased jointly by the remainder of the commercial property owners and that they would use that to mitigate and that might result in meeting the requirements of stormwater and build-out of commercial, although perhaps slightly less intense than what was envisioned by the present zoning, but there could be other policies that have not been met.

Commissioner Winchester stated that there ought to be some long-term phasing plan, a combination between Concepts B and C that deals with the existing zoning, and that staff and consultants could bring that back to the Board.

Commissioner Maloy indicated support for the motion and stated that he thought that working with the overlay, land development regulations and the phasing issue would be part of that process to be brought back.

Commissioner Thaelle suggested that additional time was needed to understand the issues and that the six planning commissioners came to the same conclusion, that there was not enough resources to make a decision tonight.

The motion on the floor failed with a 3 - 3 vote (Commissioners Host, Maloy, and Sauls voted in favor); (Commissioners Winchester, Thaelle, and Rackleff voted in opposition and Commissioner Proctor was not present).

Commissioner Thaelle stated that he basically concurs with Commissioner Host but he feels that more data is needed and that staff could use some extra time to successfully incorporate the stormwater data and the commercial needs data.

Commissioner Thaelle moved and was duly seconded by Commissioner Rackleff to direct staff to bring back an amendment to the IDO (Interim Development Ordinance) to give an additional 90 days, to bring back a revised schedule for planning. Commissioner Thaelle stated that staff may not need 90 days and may be able to do it in 30 days, but this would allow additional time for

the consultant. The motion on the floor failed 4 - 2 (Commissioners Host, Sauls, Winchester, and Maloy voted in opposition and Commissioner Proctor was not present).

County Administrator Alma suggested taking a 15-minute break and give staff the opportunity to work with the consultant.

*The Board recessed at 11:15 and reconvened at 11:30 p.m.*

County Administrator Alam stated that staff's understanding was that the majority of the Commissioners do not want to downzone any of the property and want to make a decision so they can keep it within the timeframe as much as possible. He explained that staff and the consultant talked about what could be accomplished with those two objectives and Mr. Fernsler would clarify.

Mr. Fernsler stated that he understands the intent by some of the Commissioners is to avoid the appearance of downzoning or changing the colors on the map of C. He explained that the challenge is that the Comp Plan Policy is reasonably explicit in that it would limit the amount of commercial development to something which is determined to be commensurate with population growth. He stated that there is a working group that has been attempting to define what commensurate means and indicated that it was roughly 300,000 square feet of commercial. Commissioner Thaell asked if the amount includes other vested properties, suggesting that there were other vested other than Bull Run in the Bradfordville Study area. Mr. Fernsler stated that if he incorporated Bull Run, then the number would be lower.

Mr. Fernsler stated that there is a wide gap between the amount of commercial that present zoning would allow and the upper end calculation of what reasonably could be interpreted to be commensurate. He stated that the question is: Should a sector plan be produced that attempts to reconcile and demonstrates how it has been commensurate; if the answer is yes, then they need to address the issue of commensurate in the Sector Plan and he would recommend allowing more time to develop ways in which to do that, such as through the timing of development, limitations on the rate of commercial growth in the area, but not an absolute limit. He explained by further restricting the intensity, it does not change the land area but it changes the amount of the building footprint that is permitted (or by the alternative of changing colors on the land use). If the answer to the question was no and the Board chooses not to reconcile the amount of commercial zoning to the amount of commercial development determined to be commensurate, then he would suggest changing the Comp Plan Policy.



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Mr. Fernsler stated that he would pose two or three ways to bring present zoning to be consistent with that commensurate policy through timing, through intensity, or through land use designation change and bring it back to the Board.

Mr. Alam stated that if this passes, staff would start with Alternative C so no one would be downzoned, and staff would try to meet the requirements of the commercial lease computation, the stormwater computation, the design standards, and the road overlay. Commissioner Winchester asked how they would roll in the peer review information that is still coming forward in one month. County Administrator Alam responded that they are working through that and would include the peer review information.

Commissioner Winchester stated that he was generally supportive of the scenario, that staff take the map, look at the issues and determine if they can be quantified and apply the commercial needs scenarios.

Commissioner Winchester moved and was duly seconded by Commissioner Host, that the items just discussed be very specific and clear, that there was no final decision being made tonight. He explained that he is simply saying to take these issues and see what can be done, and that staff bring back something that includes issues that were discussed. He stated that his motion is to take the existing map and facts that were discussed, basically apply the commercial needs numbers and the other facts that were generated, including the stormwater results and the recommendations from the peer review board, and other things that were recommended.

Mr. Fernsler stated that within the time frame, he may not have time to fully digest the stormwater issue and incorporate those into intensive consideration but the stormwater group would be doing that independently. He stated that he understands his charge is to start with Concept C and pose to the Commission, ways in which they could reconcile the zoning to the amount of commercial limited by Com Plan policies to be commensurate. Commissioner Host stated that it would have to include stormwater and Mr. Fernsler responded that he was not in charge of stormwater but the stormwater group would provide land implications and he would incorporate those.

Chairman Sauls stated that the motion would incorporate the commercial needs computation, stormwater computation, design standards, and roadways.

Mr. Fernsler indicated that the Board may determine that they do not like the choices presented and think that the commensurate calculation are too restrictive and, therefore, determine that the Comp Plan policies need to be changed or the Board could determine that one of the B series is a better option.

Mr. Alam elaborated that staff would bring back one or more options that would be consistent with the Comp Plan but if the Board decides to not adopt any of them, then they would consider a Comp Plan change; currently they are accepting the Comp Plan as it is today.

The motion on the floor carried 4 - 2 (Commissioners Thael and Rackleff voted in opposition and Commissioner Proctor was not present).

There being no further business to come before the Board, the meeting adjourned at 11:48 p.m.

APPROVED: *Jane G. Sauls*  
Jane G. Sauls  
Chairman

ATTEST:



*Jane G. Sauls*  
Clerk of the Circuit Court