

Special Joint City/County Meeting

April 21, 2005

JOINT CITY-COUNTY COMMISSION PUBLIC HEARING ON PROPOSED CYCLE 2005-2 AMENDMENTS TO THE 2010 TALLAHASSEE-LEON COUNTY COMPREHENSIVE PLAN

The City Commission met in special joint session on April 21, 2005, in the City Hall Commission Chamber with City Commissioners Gillum, Lightsey and Mustian, and County Commissioners Thael, Sauls, Winchester, DePuy, Proctor and Rackleff present. Also present were County Attorney Thiele and Assistant City Attorney Linda Hurst. Mayor Pro Tem Gillum called the meeting to order at 6:07 p.m. and asked that Commissioners defer discussion on these amendments to their Commission workshop.

Chief of Comprehensive & Environmental Planning Fred Goodrow announced the purpose of this meeting was to provide an opportunity for public comments on the proposed Cycle 2005-2 Amendments to the 2010 Tallahassee-Leon County Comprehensive Plan. He reviewed the agenda materials and announced that there would be separate City and County workshops on the proposed amendments, including a City Commission Workshop on May 5, 2005, at 2:00 p.m., and a County Commission Workshop on May 10, 2005 at 1:30 p.m. Mr. Goodrow also announced the process for appearances before the Joint Commission and requested that speakers limit their comments to no more than three minutes.

Planner Kristen Andersen announced the speakers on the respective amendments.

AMENDMENT 2005-2-M-001

Planner Russell Snyder presented Map Amendment 2005-2-M-001, which would change approximately 10 acres located across from Chiles High School at 7079 Thomasville Road from Residential Preservation (overlying Rural) to Urban Fringe. (The applicants were Chip Hartung & Steven Allen.)

Ms. Pamela Hall, 5051 Quail Valley Road, Vice President of Centerville Road Community Association, appeared before the Joint Commission in opposition to this amendment. Noting that this was in the Bradfordville Sector Plan area, she discussed the Association's opposition to having the entire subdivision changed from Rural to Urban Fringe, based on its potential domino effect. She asked that the proposed change be considered solely for the applicant's parcel and not extended to the surrounding properties.

Mr. Luis Serna, with Varnum & Associates, 3559 Timberlane School Road, representing the owners, appeared before the Joint Commission in support of this amendment. He explained that the intent of the amendment was to basically allow three lots on this 10-acre parcel, and stated that these smaller lots would be consistent with surrounding properties.

County Chairman Thael questioned if this amendment would bring the Millwood Estates Subdivision into the Urban Fringe, and Mr. Snyder advised that staff recommended a modification to the amendment to include that area in order to avoid "leapfrogging" from Urban Fringe over Rural. He explained that the underlying Rural land use would remain in place.

Planner Dan Lucas presented Map Amendment 2005-2-M-002, which would change approximately 9.2 acres located on Walkabout Lane at its intersection with Centerville Road from Rural to Urban Fringe. (The applicant was Cynthia Henderson.)

Mr. Gary Lloyd, 1922 Mallory Square, representing the Big Bend Sierra Club, appeared before the Joint Commission and advised that the Executive Committee of the Sierra Club opposed this zoning change. He stated that when a recent tract development of 200 homes on 1,000 acres on the west side of Centerville Road was approved, the public had been assured that would not lead to further development in the near future in that area and he discussed the Sierra Club's concern that this would establish a foothold into a vast rural area and lead to urban sprawl. Mr. Lloyd opined that it was unlikely that the property would be divided because there were wetlands on the property, and he urged denial of this amendment.

Mr. Dick Mariscal, 6201 Walkabout Lane, appeared before the Joint Commission and stated that he resided next to the subject property. He advised that he also represented another neighbor, Martin Jones, and they both opposed this amendment for reasons already given and also because of the potential domino effect of converting other properties to Urban Fringe. He stated that the whole surrounding area was Rural and they would like to maintain that Rural designation as long as possible.

Ms. Cynthia Henderson, 6401 Walkabout Lane, appeared before the Joint Commission and described the surrounding properties, noting that her property was surrounded by properties with houses on much smaller lots. She depicted the rest of the neighborhood and stated that her property would be infill to the existing development, not urban sprawl or "leapfrog" development. Ms. Henderson discussed her plans to build a house for her brother and one for her mother on this property.

Ms. Pamela Hall, 5051 Quail Valley Road, representing the Centerville Road Community Association, appeared before the Joint Commission and discussed their opposition to this amendment. She stated that the owner was aware at the time of purchase that this land could not be divided, and she stressed the importance of respecting the planning process and not making exceptions for individuals. Ms. Hall agreed that this amendment would create "leapfrog" development as Urban Fringe, and she clarified that the conservation subdivision of 200 homes had consolidated existing Urban Fringe with Rural under Urban Fringe for the sole purpose of the conservation subdivision criteria, with no increase in density.

Mr. Rick Geshwiler, 8511 Bull Headley Road #200, representing Ms. Cynthia Henderson, appeared before the Joint Commission and discussed his support of this amendment. He pointed out an Urban Fringe pattern of development extended for two miles in every direction from this property and some of that area had been removed from the Urban Service Area within the last 10 years and became Urban Fringe. Utilizing graphic aids, Mr. Geshwiler depicted the currently designated Rural areas that met the definition for Urban Fringe, noting that there were hundreds of lots in this area that were well below the 10-acre minimum size, and he stated that there were churches and a fire station along Centerville Road. He observed that Ms. Henderson's request reflected a pattern of Urban Fringe development set out by both Commissions in the area, with only two exceptions within the two-mile radius of her property – the large acreages owned by Attorney Dexter Douglas and the Archibald Family, which were single family homesteads.

Mr. Geshwiler advised that policies in the Comprehensive Plan to restrict development or the expansion of Urban Fringe were driving the cost of housing up significantly in this County and he worked with developers who could not find land to develop affordable housing in Leon County, yet they had recently received approval for a 65-lot subdivision south of Lloyd in Jefferson County. He observed that the policies and the failure to adjust the Comprehensive Plan to accommodate individual needs and the needs of the community for affordable housing had achieved the opposite effect of the Commissions' intention, and he asked for approval of this amendment.

County Commissioner Proctor asked the public if this change would bring about affordable housing on this property.

REC. 100 TAB 479

AMENDMENT 2005-2-M-003

There were no speakers on Map Amendment 2005-2-M-003, which was proposed to change approximately 4.57 acres fronting on Thomasville Road located at 2402 Radford Farm Road from Lake Protection to Residential Preservation. (The applicant was Mr. Ken Plante.)

WITHDRAWN

AMENDMENT 2005-2-M-004

Mr. Goodrow presented Map Amendment 2005-2-M-004, which would change a 0.6-acre parcel on the south side of Killarney Way near its intersection with Shamrock South from Residential Preservation to Mixed Use A (implemented with C-1 zoning). (The applicant was Scholastic Opportunities, Inc.)

Mr. Bob Ippolito, 2409 Killarney Way, Vice President of the Killearn Homeowners Association, appeared before the Joint Commission and discussed their opposition to this amendment based on their belief that the C-1 zoning would create additional traffic congestion into the Shamrock South and Killearney Way area. He expressed their concerns that there would be increased danger of an accident at the existing round-about and a potential increase in stormwater runoff from additional construction, and he stated that they were concerned with potential negative impacts on the home values in that area.

Ms. Chris Bertoch, 5119 Pimlico Drive, representing Annsworth Academy, appeared before the Joint Commission in support of this amendment and advised that this zoning change was being requested to be in line with the land use existing on the property since 1985. She noted that there were other commercial land uses around them, including a building which houses the Killearn Homeowners Association, and she opined that any future change would be unlikely to exceed the traffic generated by the existing facility.

County Commissioner Rackleff inquired as to the possible future uses of the property if this amendment was approved, and Manager of Comprehensive & Environmental Planning Jean Gregory advised that the potential uses allowed by C-1 Neighborhood Commercial zoning included office, retail commercial, personal services and some multi-family. She advised that the existing day care center on the property, which was non-conforming, would become a conforming land use and the application had not indicated any plans to change the existing use. Ms. Gregory advised that C-1 was the least intensive commercial use while there were some OR type districts that would allow office use and day care centers.

County Commissioner Rackleff requested that the staff bring back information on the square footage that could be allowed under C-1 and OR.

AMENDMENT 2005-2-M-005

There were no speakers on Map Amendment 2005-2-M-005, which would change a 16.9 acre parcel along Mill Street from Central Urban to Recreational/Open Space-Stormwater Facility. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-M-006

There were no speakers on Map Amendment 2005-2-M-006, which would change a 17.6 acre parcel along the Woodville Highway from Rural to Mixed Use B (implemented by M-1 zoning) and bring this parcel into the Urban Services Area (USA). (The applicant was the Peavy Tullos Trust.)

There were no speakers on Map Amendment 2005-2-M-007, which would change 41 aggregated properties totaling approximately 12.7 acres located at the southeast corner of the intersection of Apalachee Parkway and Capital Circle S.E. from Mixed Use B and Residential Preservation to Activity Center. (The applicant was the DeBartolo Development.)

Ms. Nancy Linnan, 215 S. Monroe Street, Suite 500, and Mr. Tom O'Steen, 805 N. Gadsden Street, had indicated their availability to answer questions on this amendment.

AMENDMENT 2005-1-M-008

Mr. Goodrow presented Map Amendment 2005-1-M-008, which would change 0.92 acres on Cactus Street from Residential Preservation to Mixed Use B (implemented by R-3 zoning). (The applicant was Louise A. Smith.)

Ms. Carol Kio-Green, 4823 Sullivan Road, appeared before the Joint Commission and discussed her opposition to this amendment. She opined that RP (Residential Preservation) was appropriate for the area and was the intent expressed through the years for this neighborhood. Ms. Kio-Green also thanked the City Commission for its position taken recently regarding multi-family housing being located in closer proximity to the universities, which she hoped would reduce the trend culminating in this amendment so that the single family neighborhoods could be preserved.

Mr. Kevin Koelemij, Ideal Estates Realty, 641 McDonnell Drive, representing Ms. Louise Smith, the property owner, appeared before the Joint Commission in support of this amendment. He discussed information he had received from the Leon County Property Appraiser's Office that contradicted information in the staff's analysis of this amendment, which he considered prejudicial to his client's rights, and he asked that the staff's analysis be withdrawn until it was corrected. Mr. Koelemij reported there were only 18 owner-occupied homes in the area, not 35 as indicated in the staff's analysis, and he described numerous other properties in the area that were zoned R-3, noting that the amendment property no longer met the criteria for RP. He then gave a brief Power Point presentation demonstrating the land uses on Cactus Street.

County Commissioner Rackleff suggested the need to consider establishing a more intensive RP. Planner Darrin Taylor clarified that the maximum density allowed under RP-1 zoning was 3.6 units per acre while the Comprehensive Plan RP district allowed 6 units per acre.

City Commissioner Lightsey announced her intent to leave at 7:15 p.m. for another commitment.

AMENDMENT 2005-2-M-009

Mr. Goodrow presented Map Amendment 2005-2-M-009, which would change four contiguous parcels totaling 3.88 acres on the north side of Mahan Drive between Mary's Drive and Blair Stone Road from Residential Preservation to the Neighborhood Boundary category. (The applicants were Diane Roberts, Patrick Kates, Brandee Whitfield and Martha B. Parker.)

Ms. Julia Kates, 1826 Mahan Drive, appeared before the Joint Commission in support of this amendment and explained that the intent was to balance the interests of the property owners.

Ms. Laura Smith, 1726 Mahan Drive, representing her niece, Brandee Whitfield, appeared before the Joint Commission in support of this amendment, and stated that she and her niece were the owners of Mahan Preschool, at 1726 Mahan Drive. She stated that a neighbor in the area who was contesting this amendment had requested in 2001 that the Commission consider creating an additional category to buffer between the Residential and OR categories, which was what the Neighborhood

Boundary Office (NBO) category accomplished and advised that Mahan Drive was a very busy, highly commercial road, which no longer qualified for the RP category.

Ms. Diane Roberts, 1728 Mahan Drive, appeared before the Joint Commission in support of this amendment and explained that Neighborhood Boundary Office category was being requested to buffer between the residential and the commercial. She stated that the NBO had strict limitations on the square footage allowed on the parcels for small business use.

Ms. Martha Brant Parker, 3742 Lifford Circle, appeared before the Joint Commission in support of this amendment, and briefly described the history of the property and its changing uses over the years. She opined that Mahan Drive had become a busy street so that Neighborhood Boundary was more appropriate for the properties fronting that main thoroughfare.

Mr. Ryland Musick, 1739 Kathryn Drive, representing the Greater Brandt Hills Homeowners Association, appeared before the Joint Commission and discussed the homeowners' unanimous opposition to this amendment. He acknowledged that there were some non-conforming uses in the area and the south side of Mahan Drive in the amendment area was appropriate for commercial use, but not the north side. Mr. Musick asked for protection of their neighborhood and urged denial of this amendment.

County Commissioner Rackleff ascertained that Mr. Musick had no objection to the RP zoning density of 6 units per acre.

Mayor Pro Tem Gillum determined from Ms. Gregory that the neighborhood located behind this amendment property was accessed from Mary's Drive and from Miccosukee Road while each of the amendment properties were accessed directly from Mahan Drive.

Ms. Gregory advised that Planning staff had gone through extensive participation with citizens and representatives from the Council of Neighborhood Associations (CONA) while writing the Neighborhood Boundary Office zoning district, and it only allowed office uses. She clarified that commercial uses had not been adopted with the NBO zoning district because the Commissions and CONA representatives were uncomfortable with it.

Mayor Pro Tem Gillum requested that the staff bring back information on the maximum density that could be achieved from aggregating the parcels in this amendment.

AMENDMENT 2005-2-M-010

WITHDRAWN

There were no speakers on Map Amendment 2005-2-M-010, which would change .97 acres located on the southeast corner of Capital Circle SE and Tram Road from Rural to Mixed Use B (implemented by C-2 zoning). (The applicant was Victor B. Steyerman.)

AMENDMENT 2005-1-M-011

There were no speakers on Map Amendment 2005-2-M-011, which would change 16.11 acres for the Meridian Park subdivision located on the south side of Laura Lee Street from Mixed Use B to Residential Preservation. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-M-012

Mr. Goodrow presented Map Amendment 2005-2-M-012, which would change approximately 232 acres located north of Mahan Drive and east of Hawks Landing Drive from Rural to Urban Fringe. (Dr. Miley Miers was the applicant.)

Mr. John Wharton, 3032 Hawks Landing Drive, President of the Hawks Landing Homeowners Association, appeared before the Joint Commission and discussed the homeowners' opposition to this amendment. He opined that this amendment involved a policy decision on whether to use clustering as a development tool or a preservation tool and he stated that in this case, this amendment would create an island of density and was not a good example of the Urban Fringe. Mr. Wharton described the surrounding lands, including 50 vacant acres to the south, vacant land across Highway 90, only one house on 55 acres to the east, land to the north that was in the 100-year floodplain, and he pointed out the proposed development of 74 housing units on the high land of this site would have an environmental impact on the watershed area, noting that the environmental constraints on this property were such that it should not be developed at a higher density than 1 unit per 40 acres.

Additionally, Mr. Wharton discussed the homeowners' concern with the potential extension of Oakwater Street accessing this amendment site and he asked that the Commissions not allow Oakwater Street to be opened between the two neighborhoods should the amendment site be developed. He also pointed out the extension of Oakwater Street would have a negative impact on the watershed area.

Mayor Pro Tem Gillum questioned if Hawks Landing was considered to be an appropriate land use, and Mr. Wharton advised that Hawks Landing had been grandfathered in as a neighborhood of 3 to 15-acre lots. He opined that Hawks Landing was transitional to rural much more than the amendment site, which proposed 74 units on less than 74 acres.

Mr. Rick Geshwiler, 8511 Bull Headley Road #200, representing Dr. Miley Miers, appeared before the Joint Commission in support of this amendment and asked that the Commissions support the Planning Commission's recommendation to approve Alternative A, which was approval of the amendment with development agreement, noting that a Chapter 163 development agreement had been presented to the County Attorney for concurrent consideration. He discussed the owner's proposal to develop a conservation subdivision of 74 lots on approximately 85 acres accessing Mahan Drive, with a dedication of almost two-thirds of the property in the Black Creek (St. Marks) Watershed, and he pointed out this amendment would help advance the provision of Talquin Water Service in the area with a new water tower and it would improve fire services in the area.

County Commissioner Rackleff recalled that the Comprehensive Plan was intended to curb urban sprawl and restrict development in the Urban Services Area (USA), which extended to a boundary two miles west of this amendment site. Mr. Geshwiler opined that the Comprehensive Plan had inaccurately mapped where Urban Fringe and Rural and the USA should be, and he stated that the community had struggled for years to correct those mistakes.

County Chairman Thael observed that the Chapter 163 Development Agreement offered public access to some floodplain land, and the public ownership was conditioned on allowing the developer to retain agriculture and silviculture rights to the land.

Ms. Cynthia Henderson, 2846-A Remington Green Circle, appeared before the Joint Commission in support of this amendment and advised that a Certificate of Concurrence had been obtained for the 74 housing units. She stated that she had met with Jim Davis, who was very interested in their proposal, so they would be relieving the County of the obligation to purchase the Blueprint 2000 Tier 2 property within the amendment site. Ms. Henderson pointed out Dr. Miers had pared down his original request to develop 300 units and met every objective set forth in every staff report done on the subject property, therefore, a denial of this amendment would be considered a "taking" based on the development meeting all of the terms and conditions, and the goals of the Comprehensive Plan.

Mr. Robert Scanlon, 3989 Sunhawk Boulevard, appeared before the Joint Commission and stated that he was no longer the Chairman of the Leon County Water Resources Committee. He discussed his opposition to this amendment based on there being no change to the facts or the land use or the land, and he noted that the County had voted to spend millions of dollars on the Black Creek

Watershed along McCracken Road, which was being moved uphill to preserve Black Creek. Mr. Scanlon opined that allowing septic tanks on the proposed development site would not support that effort, and he noted that the environmental easement included the landowner's continued use of the land while a portion of land was being retained, which could potentially be brought back for commercial development to serve this increased density. He recommended denial.

Mr. Ron Sachs, 3020 Hawks Landing Drive, appeared before the Joint Commission and discussed his opposition to this amendment. He observed that the staff's denial had noted that the development of the higher end of 8-23 units allowed on this site under the current Rural designation might not be achievable given the environmental constraints on the property. Mr. Sachs described Hawks Landing residents' reliance on the Commissions' decisions to protect their rights and he asserted that approval of this amendment would be bad policy, bad politics and bad publicity.

A segment of the audience from Hawks Landing stood in support of Mr. Sachs' comments.

Mr. Blair Burton, 3127 Hawks Landing, appeared before the Joint Commission and stated his opposition to this amendment.

Ms. Michele Hackmeyer, 3201 Hawks Landing Court, appeared before the Joint Commission and discussed her opposition to this amendment. She pointed out the majority of Hawks Landing was high and dry land that was suitable for septic tanks, and she expressed concern with the proposed development of the amendment site based on the lack of infrastructure, the lack of urban services, the lack of school capacity, the potential for a significant negative impact to an environmentally sensitive area, and the general contradiction of the development to the Comprehensive Plan. Ms. Hackmeyer also expressed concern that the potential extension of Oakwater Street would encourage cut-through traffic.

Mr. Ed Deaton, 9601 Miccosukee Road #25, appeared before the Joint Commission and stated that he was a resident of the Miccosukee Land Cooperative, in an RP area immediately north of this amendment site. He stated that the Miccosukee Homeowners had voted to oppose this amendment and pointed out a Blueprint 2000 Black Creek Restoration Project was underway. Mr. Deaton pointed out the dedication of a conservation easement made no sense as a swap for density, particularly in view of Dr. Miers' reservation of the ability to log the property, and he emphasized that logging the property had no relation to conservation or appropriate stewardship of the property. He also asserted that the proposal to develop 74 homes on this particular property was not good stewardship of that property, and he urged denial.

A segment of the audience from the Miccosukee Land Coop stood in support of Mr. Deaton's comments.

Mr. Herman Frese, 3816 Lost Lane, appeared before the Joint Commission and stated that he resided in the Miccosukee Land Cooperative. He discussed his opposition to this amendment and distributed copies of a photograph showing McCracken Road flooded at the point of Black Creek entering the Miccosukee Land Cooperative. He also distributed copies of two graphs taken from the Capital Area Flood Warning Network webpage providing information from the Black Creek Monitoring Station, which was located downstream from the Miccosukee Land Cooperative, demonstrating the rainfall levels and corresponding flooding levels of the creek. *(A copy of both handouts have been placed on file in the Office of the City Treasurer-Clerk.)*

Mr. David Carlton, 10672 E. Mahan Drive, appeared before the Joint Commission and advised that he resided immediately to the east of the amendment property. He stated his opposition to this amendment, which he perceived as not being in the spirit of the Comprehensive Plan, and he pointed out Highway 90 would need to be widened with turn lanes at the access point to the proposed development. Mr. Carlton also observed that there was a lot of wildlife on this amendment property.

OFF. REC. 133 PAGE 484

County Commissioner Winchester expressed distress with the time wasted by the public, the staff and the Commissions on the submission of development proposals for this property, and emphasized his disappointment with the language in this current proposal, which he considered to be an insult to the planning profession and to their Planning staff. He opined that Mr. Geshwiler should know better and, noting that the fundamental premise of a conservation neighborhood subdivision concept was to permanently protect open space, he suggested that Dr. Miers get some good advice on how to develop a true conservation subdivision proposal for his property.

County Commissioner Proctor asked that the County Attorney provide a response to the citizen comment that denial of this amendment would be considered a taking. He also requested that the staff bring back information on Mr. Jim Davis' involvement and the status of this as a Tier 2 Blueprint 2000 project, and information on the County's role in this regard.

Mayor Pro Tem Gillum directed the staff to provide the requested information to each Commission at their individual workshops on these amendments.

County Chairman Thael reported on a recent visit to Tallahassee by former Interior Secretary Bruce Babbitt, who was publishing a book entitled Cities in the Wilderness, in which Tallahassee was listed as one of the six great cities in America that had done an outstanding job in planning for the future by preserving both their rural conservation lands and their urban cores. He also reported that according to an article in that day's *Tallahassee Democrat* regarding the St. Joe Rural Farmlands Program, St. Joe would be selling 10 to 20 acre farmsteads in Leon County for an average of \$20,000 to \$45,000 per acre, which suggested to him that Dr. Miers could develop 23 10-acre parcels at the minimal amount of \$20,000 per acre and make a substantial return on his investment, and he emphasized that local government had no obligation to give anyone what they believed to be their highest and best use.

AMENDMENT 2005-2-M-013: *There was no Amendment 2005-2-M-013.*

AMENDMENT 2005-2-M-014 / AMENDMENT 2005-2-M-015: *Public input was taken on these amendments following Amendment 2005-2-T-025.*

AMENDMENT 2005-2-M-016

There were no speakers on Map Amendment 2005-2-M-016, which would change approximately 56.85 acres located north and south of Mahan Drive near Dempsey Mayo Road from Residential Preservation and Mixed Use B to Residential Corridor. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-M-017

Mr. Goodrow presented Map Amendment 2005-2-M-017, which would change 92 parcels totaling 242.35 acres in the Crump Road area from Rural to the Urban Fringe category. (The Tallahassee-Leon County Planning Department was the applicant.)

Mr. Tom O'Steen, 805 N. Gadsden Street, appeared before the Joint Commission in support of this amendment, which he explained was an outcome of an amendment he had represented in a previous cycle that was withdrawn. He stated that the Planning Commission had recommended that a request to change land from Rural to Urban Fringe be evaluated over a larger area to provide a more truthful depiction of the land.

Mr. Buddy Vincent, 560 Frank Shaw Road, appeared before the Joint Commission and, as one of the property owners in this amendment area, stated his support for the amendment. He advised that most of the lots in the area were 1 1/2 to 2-acre lots and there were some 3-acre lots and he urged the Commission to approve this amendment.

Mr. Robert L. Scanlon, 3989 Sunhawk Boulevard, appeared before the Joint Commission and discussed his opposition to this amendment, noting that this proposal was close to the property owned by Dr. Miers and still within the Black Creek Watershed area. He stated that the area was not Urban Fringe as there would be no central sewer and he recommended denial.

Mayor Pro Tem Gillum ascertained from Planner Dan Lucas that this property was approximately one mile from the USA boundary.

County Commissioner Rackleff questioned how many additional dwelling units would be allowed with this proposal, and Mr. Lucas advised that Urban Fringe would allow an additional 17 dwelling units beyond the current 111 dwelling units under Rural.

County Commissioner Proctor inquired as to the rationale for submitting this amendment. Mr. Goodrow clarified that after the denial of an amendment on a single parcel in the area, the Planning Commission had asked for this amendment for the overall area to make it conforming with the existing land uses. Mr. Lucas advised that the Planning Commission had viewed the area as one with significant development potential although it was not scheduled to receive central sewer or other urban services over the timeframe of the Comprehensive Plan.

County Chairman Thael observed that Urban Fringe allowed for small scale commercial opportunities, and Mr. Lucas stated that an RP overlay would prohibit non-residential uses so that the one non-conforming commercial business in the area – an historic bottle club -- would remain a non-conforming use.

County Commissioner Proctor confirmed with Mr. Lucas that the Commissions could modify this amendment proposal at the Commission workshops on these amendments.

AMENDMENT 2005-2-T-018

There were no speakers on Text Amendment 2005-2-T-018, which would create two new land use categories within the Comprehensive Plan, Residential Corridor and Residential Corridor Node, which would partially implement the recommendations of the Mahan Drive Corridor Study. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-T-019

There were no speakers on Text Amendment 2005-2-T-019, which update the description of the Urban Fringe in the Land Use Element to recognize Conservation Subdivisions as a development option in which up to 50% of the property's least ecologically and otherwise significant acreage could be developed so long as the undeveloped land was set aside permanently. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-T-020

Mr. Goodrow presented Text Amendment 2005-2-T-020, which would strike all exemptions associated with closed basins within the Lake Protection Future Land Use map category, disallowing land use densities that might be inconsistent with the purposes of the category and eliminating the need to demonstrate whether development would lie within a closed basin. (The applicant was the Board of County Commissioners.)

County Chairman Thael confirmed that this amendment would make closed basins more restrictive for developing Mixed Use land uses, especially in the Lake Jackson water basin.

Ms. Tomoka Brady, 5885 Old Bainbridge Road, appeared before the Joint Commission in support of this amendment. She stated that closed basins should not be included and considered in

planning for future development because closed basins held water had a significant impact on water quality and community health.

Ms. Becky Subrahmanyam, 1257 Cornerstone Lane, appeared before the Joint Commission and objected to this amendment. She discussed her concern that the language added by the Planning Department to modify the amendment could potentially allow for development currently in litigation to be brought back in the future, and that language added by Ms. Nancy Linnan would exempt even more projects, including some that had been denied, so that they could be brought back. Additionally, Ms. Subrahmanyam opined that the amendment needed a strong definition of what the Lake Jackson basin entailed.

Brief discussion focused on the additional language referenced by Ms. Subrahmanyam

Ms. Carol Kio-Green, 4823 Sullivan Road, appeared before the Joint Commission and discussed her opposition to the amendment as modified based on her preference for seeing this issue addressed through pending litigation. She stated that the County Attorney had agreed with her that the WalMart PUD and other PUDs could potentially be brought back as the result of Ms. Linnan's modification, and she opined that the addendum language was disrespectful of the Court system and process. Ms. Kio-Green suggested that this problem might be addressed by adopting the original amendment language and adding some indication of the intent that Summerfield could not be vested if it lost in Court, otherwise she recommended denial or withdrawal of the amendment.

Ms. Nancy Linnan, 215 S. Monroe Street, Suite 500, representing Summerfield LLC, appeared before the Joint Commission in support of this amendment. She discussed the additional amendment language developed to exempt the approved Summerfield PUD from the provisions of this amendment, and stated that the additional language was intended to give Summerfield no more than what it had been approved for and was meant to apply solely to Summerfield because this amendment removed the closed basin exception. Ms. Linnan stated her willingness to re-address this issue.

Mr. George E. Lewis, II, 203 N. Gadsden Street #6, appeared before the Joint Commission in opposition to the modified amendment. He discussed his concern that the breadth of the additional language eliminated any requirements for meeting the EMA or the EMO, and that it exempted all PUDs in the Lake Protection area. Mr. Lewis opined that the public was better served without the additional language to this amendment as all PUDs should have to meet the environmental regulatory requirements.

Responding to an inquiry from Mayor Pro Tem Gillum as to why Summerfield needed to be named in the amendment, Planner Craig Diamond suggested that it would be appropriate for the attorneys to review the amendment modification language to ensure that the protection for the Summerfield PUD was handled correctly and brought back to the Commission workshops.

County Commissioner Winchester **confirmed with County Attorney Thiele that this matter would be reviewed and brought back to the Commissions**, and he clarified that this was an attempt to further protect Lake Jackson. He invited Ms. Linnan to respond to Mr. Lewis' comments.

Ms. Linnan reappeared before the Joint Commission and clarified that there was no intent to loosen any restrictions to which the Summerfield PUD was subject upon its approval and under the existing EMA. She confirmed her intent to work with the County Attorney to make sure that was the effect of the language modification.

With regard to the PUDs, Director of Planning Wayne Tedder stated that there were two or three PUDs that were approved in the County and he explained that if this amendment was not applied to those previously approved PUDs, this provision would essentially make them legally non-conforming. He noted that one of the PUDs that would be effected was the office complex on Martin Hurst Road and

he opined that those PUDs that could not come in and were constructed should be probably be vested to make them legally conforming uses for what was previously approved in the PUD.

County Commissioner Winchester directed the staff to identify those PUDs and bring that information to the Commission workshops.

County Commissioner Proctor opined that with the added language, Summerfield benefited in terms of local government's ability to negotiate an adjustment for the intended issues. He opined that even with the strike-through language, future development would not be subject to the limitations of the Lake Protection category or the closed basin restrictions and the additional language made their vestment more absolute. County Commissioner Proctor discussed his perception that the issues with the Summerfield project related more to the sociological issue of whether there would be renters than with lake protection.

AMENDMENT 2005-2-T-021

There were no speakers on Text Amendment 2005-2-T-021, which would modify Land Use Element Policy 1.4.17, the Tallahassee Land Development Matrix and the narrative description of the Central Urban future land use category. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-T-022

There were no speakers on Text Amendment 2005-2-T-022, which provided for the revision of the current Functional Classification maps adopted in the Tallahassee-Leon County Comprehensive Plan to improve the legibility of the maps and to more accurately illustrate the functional classification of roadways within Leon County. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-T-023

There were no speakers on Text Amendment 2005-2-T-023, which proposed to comprehensively manage the community's existing and future transportation resources through measures that would protect the future right-of-way along roadways identified for improvement and along existing corridor alignments. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-T-024

There were no speakers on Text Amendment 2005-2-T-024, which would address issues relating to residential mortgage lending disparities, residential mortgage education, and the consideration of the number of residential mortgages a financial institution had made in the Southern Strategy Area in decisions for the procurement of banking services, and which would provide for the establishment of a linked-deposit program for the provision of affordable residential mortgages in the Southern Strategy Area. (The Tallahassee-Leon County Planning Department was the applicant.)

AMENDMENT 2005-2-T-025

Mr. Goodrow presented Text Amendment 2005-2-T-025, which would define policy for establishing and interpreting the boundaries between Future Land Use Map categories, and would authorize the Planning Director to make such determinations in accordance with a series of principles for establishing such boundaries. (The Tallahassee-Leon County Planning Department was the applicant.)

Ms. Becky Subrahmanyam, 1257 Cornerstone Lane, appeared before the Joint Commission and discussed her objection to this amendment. She objected to the Planning Director being allowed to

OFF. REC. 133 PAGE 487

unilaterally change the future land use map or the zoning maps, and stated that no purely staff administration determination should be allowed but rather, a property Comprehensive Plan amendment should be processed. Ms. Subramanyan stated that the boundaries of the Lake Protection category were not intended to be "coincident with the watershed of Lake Jackson", as provided in this amendment language, but were to be "based on the lake basin boundary adjusted to primarily include undeveloped areas and existing less intensely developed areas", as provided in the Future Land Use Amendment Narrative. She pointed out this amendment, by requiring that any property with RP be an entire property, would result in many properties in the City and County with a buffer of Residential Preservation (RP) being considered incorrect, and she advised that the criteria for the City and County code for determining the boundaries of zoning maps was more precise than the description proposed in this amendment.

Ms. Tamoka Brady, 5885 Old Bainbridge Road, appeared before the Joint Commission and discussed her objection to this amendment, indicating that staff should not be allowed to make these decisions without proper process. She stated that people should have the benefit of knowing when a corrective change is made concerning their property.

Mr. Mike Brezin, 1401 N. Randolph Circle, appeared before the Joint Commission and stated that he opposed this amendment on sociological grounds. He stated that it was not right to forget the history and go with by the maps.

Mr. George E. Lewis, II, 203 N. Gadsden Street #6, appeared before the Joint Commission and discussed his objection to this amendment. He stated that the amendment was deceptive and, noting that there were some major omissions in how property records were maintained, he cited some examples of problems that could occur.

Ms. Nancy Linnan, 215 S. Monroe Street #500, appeared before the Joint Commission and discussed her personal support in concept with the amendment. She stated that this was what was actually occurring while there might be some areas that staff could work with Mr. Lewis to improve, and landowners were relying on these decisions being made by planning directors throughout the state. Ms. Linnan gave some examples demonstrating the need for the planning director to have the ability to do this.

Ms. Carol Kio-Green, 3823 Sullivan Road, appeared before the Joint Commission and noted that Ms. Linnan had provided input on some of this amendment language. She discussed her strong opposition to this amendment because it was not a legal process as every change, with exceptions only for definition, must be processed through the requirements of Florida Statutes Chapter 163. Ms. Kio-Green stressed the unreliability of the Property Appraiser's maps and advised that she would follow-up with written correspondence to the Commissioners regarding the issue of sovereign lands.

County Commissioner Proctor expressed concern with description numbers 2 and 3 in the language of this amendment and, noting that Falls Chase could be one of the impacted properties, questioned the use of a water body in the application of a zoning. He also strongly objected to the planning director being allowed to make boundary decisions, and he submitted *for the record* a letter from Ms. Brenda Dickinson to the City and County Commissioners relative to this amendment, requesting that the staff bring back a response to the concerns raised in her letter (*on file in the Office of the City Treasurer-Clerk*).

County Commissioner Winchester stated that he understood the intent of this amendment and requested that the staff ensure this was done in a way that the public would be protected in the future.

Mayor Pro Tem Gillum requested that the staff bring back information on what some of the other communities were doing in similar situations regarding zoning map boundaries.

OFF. REC. 133 PAGE 489

County Commissioner Rackleff stated that he felt strongly that that he and the public should be able to comment on and evaluate any errors on the future land use map or the zoning maps, and he requested that the staff bring back some specific examples or scenarios on where the Planning Director would be able to make such determinations.

At this point, public input was taken on Amendments 2005-2-M-014 and -015.

AMENDMENT 2005-2-M-014

Mr. Goodrow presented Map Amendment 2005-2-M-014, which would change approximately 130 acres located north of Mahan Drive and east and west of Thornton Road from Residential Preservation, Government Operational and Mixed Use A to Residential Corridor. (The Tallahassee-Leon County Planning Department was the applicant.)

Mr. Jesse W. Burt, 2466 Thornton Road, appeared before the Joint Commission and objected to changing the zoning on his property in the Thornton Road area. He also observed that the plat descriptions on the notices he had received on this proposed change appeared to be erroneous, and Mayor Pro Tem Gillum directed the staff to meet with Mr. Burt to clarify the descriptions.

AMENDMENT 2005-2-M-015

Mr. Goodrow presented Map Amendment 2005-2-M-015, which would change approximately 80 acres located north and south of Mahan Drive and east of Edenfield Road and Highland Drive from Residential Preservation to Residential Corridor and Residential Corridor Node. (The Tallahassee-Leon County Planning Department was the applicant.)

Mr. William Smith, 5500 Touraine Drive, President of the Board of Directors of the Lafayette Oaks Homeowners Association, and Member of the Board of Directors of the Save Our Gateway group, appeared before the Joint Commission in opposition to this amendment. He distributed a map depiction of how development would look in the Mahan Drive-Edenfield Road area if this change was approved (on file in the Office of the City Treasurer-Clerk), and discussed the potential creation of a traffic hazard that could occur from the inappropriate density cluster that would be allowed in the area.

County Commissioner Rackleff noted that the Mahan Drive Corridor Study that had been conducted in an attempt to develop a vision for Mahan Drive to accommodate future growth without degrading the residential neighborhoods in the area, and he determined from Mr. Smith that residents in the area considered the plan to have a node of low impact residential and commercial at this location to be inappropriate for the existing residential corridor. He requested that the staff work with Mr. Smith and the homeowners in the area to bring back a more acceptable corridor plan for this area.

ADJOURNMENT

Mayor Pro Tem Gillum thanked the citizens for their comments and the staff for their hard work in bringing these amendments forward. He announced the City Commission would hold a workshop on these amendments on May 5, 2005, at 2:00 p.m., and the County Commission, on May 10, 2005, at 1:30 p.m., with the intent of adopting preliminary positions on each of the amendments.

There being no further business to come before the Joint Commission, the meeting was adjourned at 6:57 p.m.


Cliff Thael
Chairman

ATTEST:





Bob Inzer, Clerk of the Circuit Court