

SPECIAL COMMISSION MEETING

Tallahassee, Florida
June 16, 2005

JOINT CITY-COUNTY COMMISSION PUBLIC HEARING
CYCLE 2005-2 AMENDMENTS TO THE COMPREHENSIVE PLAN

The City Commission met in special joint session with the Board of Leon County Commissioners (County Commission) on June 16, 2005, in the City Hall Commission Chamber, with City Commissioners Gillum, Lightsey and Katz, and County Commissioners Sauls, DePuy, Thael, Rackleff, Winchester and Grippa present. Also present were Assistant County Attorney VanWyk and Assistant City Attorney Hurst.

Mayor Pro Tem Gillum called the meeting to order at 6:05 p.m. and requested that speakers keep their comments to no more than three minutes.

Chief of Comprehensive & Environmental Planning Fred Goodrow announced the process for speaker appearances and reviewed the agenda as distributed. He clarified that final votes would be taken on the small scale map amendments, as they were not required to be transmitted to the Florida Department of Community Affairs (FDCA) along with the remaining tentatively approved amendments for state compliance review.

SMALL SCALE AMENDMENT ORDINANCES

On behalf of the City, City Commissioner Katz moved to deny Amendment 2005-2-M-002 and upon second by City Commissioner Lightsey, the vote of the City Commission was as follows:

AYE: City Commissioners Gillum, Lightsey and Katz
NAY: None
ABSENT: City Commissioners Marks and Mustian

On behalf of the County, County Commissioner Sauls moved to deny Small Scale Amendments 2005-2-M-002 and -009. County Commissioner Rackleff seconded the motion and the vote of the County Commission was as follows:

AYE: County Commissioners Thael, Sauls, Rackleff, Winchester, Grippa and DuPuy
NAY: None
ABSENT: County Commissioner Proctor

Mayor Pro Tem Gillum inquired if anyone desired to address the Joint Commission regarding Amendment 2005-2-M-002, and no one appeared.

City Commissioner Lightsey advised that with regard to Amendment 2005-2-M-009, the City Commission had directed the staff to bring back additional information on how the Neighborhood Boundary category might be changed to be more beneficial and attractive to an abutting neighborhood. She noted that one of the four properties in this amendment had been withdrawn and stated her preference for taking no action on this amendment pending the receipt of additional information from the staff.

Assistant City Attorney Hurst advised as to process, indicating that the amendment could be continued without setting a date certain.

Commissioner Lightsey moved to continue action on Amendment 2005-2-M-009 and direct that it be brought back with full notification provided to the neighborhoods and allow the neighborhoods to monitor the work being done on the amendment and contribute to that work so that there could be a better more deliberate discussion on what this Neighborhood Boundary category would be and whether it would be used in the future.

Commissioner Katz stated that he was willing to give this land use category another chance and seconded the motion. He opined that the question was to find a transitional use that would be conducive to the concern of the neighbors.

Mayor Pro Tem Gillum stated his concurrence that there needed to be a thorough discussion of the impacts before applying this Neighborhood Boundary category.

On behalf of the County, County Commissioner Rackleff moved to deny Amendment 2005-2-M-009, reaffirming the County's previous decision.

County Commissioner Grippa seconded the motion, but stated that he could see no reason for not going along with the City Commission in delaying action on the amendment, as this amendment area was inside the City limits. He, therefore, offered a substitute motion to continue Amendment 2005-2-M-009.

County Commissioner Sauls seconded the substitute motion.

County Commissioner Rackleff opined that the Neighborhood Boundary land use category would result in the loss of residential uses in the area and he objected to the notion that there had to be a transition from residential to some other use in the urban center. He stated his preference for denying the amendment.

County Commissioner DePuy stated his support for the substitute motion and opined that it would be pointless to take a position contrary to the City's position since the area was within the City limits and the City Commission vote took precedence. He quoted the following excerpt from a letter provided by Director of Planning Wayne Tedder to clarify the matter:

"This amendment request is located within the City. Therefore, if the City approves and the County denies, the amendment will become effective within 30 days unless the application is challenged in accordance with Florida Statutes."

County Commission Chairman Thael indicated his concurrence with County Commissioner DePuy and discussed his intent to support denial of this amendment when it was brought back unless it was brought back with significant changes.

City Commissioner Lightsey explained that she was willing to look at some potential Neighborhood Boundary uses that might be appropriate in the transitional area around neighborhood cores in the urban area.

County Commissioner Sauls indicated her support for the City's position to continue this amendment.

Mayor Pro Tem Gillum inquired if anyone desired to address the Commission relative to this amendment, and the following persons appeared before the Commission:

Ms. Barbara Owens, 1212 Brookwood Drive, representing her mother, Dorothea Parker, appeared before the Joint Commission and asked that the amendment be continued for additional review.

Ms. Martha Parker, 3742 Lifford Circle, owner of 1816 Mahan Drive property, appeared before the Joint Commission and discussed her support for this amendment. She advised that the change in zoning would have no effect on the traffic in Brandt Hills, as any entrance onto the subject properties would be from Mahan Drive, and she opined that some change in zoning would be appropriate for these properties as the domino effect of rezonings had already begun approximately 30 years earlier.

Mr. George Caspary, 1724 Kathryn Drive, President of the Brandt Hills Neighborhood Association, appeared before the Joint Commission and discussed their objection to this amendment. He stated that with over a million square feet of office space going up for rent in the City, the best solution for this property was to strengthen the neighborhood by keeping it Residential Preservation.

Ms. Laura Smith, 1726 Mahan Drive, appeared before the Joint Commission and stated that this had begun when her neighbor was unable to install a business sign for the business on her property because it was zoned Residential Preservation. She observed that it was very difficult to rent out the duplexes that accessed onto Mahan Drive and the properties proposed for this amendment were surrounded by commercial uses, and she stated that there were strict guidelines for the Neighborhood Boundary Office category.

Mr. Darwin Gamble, 1248 Halifax Court, Vice President of the Brandt Hills Neighborhood Association, appeared before the Joint Commission and urged denial of this amendment. He stated that it was "spot zoning" and inconsistent with the community's need for affordable housing, as the amendment would reduce the amount of residential property and replace it with commercial. Mr. Gamble advised that the neighborhood associations desired to work with the City and the County to help determine how that stretch of Mahan Drive should look.

Mr. Warren Merrell, 127 Willaura Circle, appeared before the Joint Commission and advised that the proposed amendment would generate more traffic. He also urged keeping residential land uses in the urban and downtown areas.

Ms. Kirsten Olsen, 18094 Jean Avenue, appeared before the Joint Commission and suggested that the Neighborhood Boundary category be re-evaluated separate from this amendment. She urged denial of the amendment.

Mayor Pro Tem Gillum clarified that the Commissions would make a policy decision on the Neighborhood Boundary category while any land use decisions would be made on individual applications. Brief discussion continued in this regard.

Mr. Jerry Edwards, 1603 Valley Road, President of the Inglewood Neighborhood Association, appeared before the Joint Commission and advised that the large, two-story complex on Mahan Drive at Brandt Hills had created major flooding issues for the Inglewood neighborhood. He expressed concern that building other structures in the area would add to the flooding.

Assistant City Attorney Hurst advised as to process related to continuing this item.

City Commissioner Katz moved to continue Small Scale Amendment Ordinances Nos. 05-O-049 and 05-Z-43AA, continuing Amendment 2005-2-M-009. Commissioner Lightsey seconded the motion and the vote of the City Commission was as follows:

AYE: City Commissioners Gillum, Lightsey and Katz
NAY: None
ABSENT: City Commissioners Marks and Mustian

Assistant City Attorney Hurst advised that action could be taken on this small scale amendment at any time.

The vote of the County Commission on the substitute motion to continue action on Amendment 2005-2-M-009 was as follows:

- AYE:** County Commissioners Thael, Sauls, Winchester, Grippa and DePuy
- NAY:** County Commissioner Rackleff
- ABSENT:** County Commissioner Proctor

Assistant City Attorney Hurst advised that action was needed on Ordinance No. 05-O-47, relating to the adoption of Amendment 2005-2-M-002. City Commissioner Lightsey moved denial of the ordinance and upon second by City Commissioner Katz, the vote was as follows:

- AYE:** City Commissioners Gillum, Lightsey and Katz
- NAY:** None
- ABSENT:** City Commissioners Marks and Mustian

City Commissioner Katz confirmed the continuance of Ordinance No. 05-Z-43AA pursuant to the action taken on Amendment 2005-2-M-009.

The City and County Commissions took the following action on these two amendments:

Item # 2005-2-	Nature of Amendment	County and City Commission Position
M-002	<u>Future Land Use Map</u> Proposed map amendment change from Rural to Urban Fringe for a 9.2 acre parcel on Walkabout Lane at its intersection with Centerville Road	Denied
M-009	<u>Future Land Use Map</u> Proposed map amendment change from Residential Preservation to the Neighborhood Boundary category on four contiguous parcels totaling 3.88 acres on the north side of Mahan Drive between Mary's Drive and Blair Stone Road	Continued

CONSENT ITEMS

On behalf of the City, City Commissioner Katz moved to approve the tentative positions already taken by the City and County Commissions on the Consent items, including Amendments Nos. 2005-2-M-001, 2005-2-M--005, 2005-2-M-006, 2005-2-M-007, 2005-2-M-008, 2005-2-M-011, 2005-2-T-22 and 2005-2-T-023. City Commissioner Lightsey seconded the motion and the vote was as follows, taking action on the amendments as shown:

- AYE:** City Commissioners Gillum, Lightsey and Katz
- NAY:** None
- ABSENT:** City Commissioners Marks and Mustian

Item # 2005-2-	Nature of Amendment	County and City Commission Position
M-001	<u>Future Land Use Map</u> Proposed map amendment change from Residential Preservation (overlying Rural) to Urban Fringe (UF) on approximately 10 acres located across from Chiles High School at 7079 Thomasville Road.	Approved with Modification
M-005	<u>Future Land Use Map</u> Proposed map amendment change from Central Urban to Recreational/Open Space-Stormwater Facility on a 16.9 acre parcel along Mill Street.	Approved
M-006	<u>Future Land Use Map</u> Proposed map amendment change from Rural to Mixed Use B (implemented by M-1 zoning) on a 17.6 acre parcel along Woodville Highway, and to bring this parcel into the Urban Services Area.	Approved
M-007	<u>Future Land Use Map</u> Proposed map amendment change from Mixed Use B and Residential Preservation to Activity Center on 41 aggregated properties totaling approximately 12.7 acres located at the southeast corner of the intersection of Apalachee Parkway and Capital Circle S.E.	Approved with Modification
M-008	<u>Future Land Use Map</u> Proposed map amendment change from Residential Preservation to Mixed Use B (implemented by R-3 zoning) on 0.92 acres located on Cactus Street	Denied
M-011	<u>Future Land Use Map</u> Proposed map amendment change from Mixed Use B to Residential Preservation on 16.11 acres for the Meridian Park subdivision located on the south side of Laura Lee Street.	Approved
T-022	<u>Transportation Element</u> Update 2020 Plan Roadway Functional Classification Maps and list of roadways.	Approved
T-023	<u>Transportation Element</u> Capital Improvements Element; Future Land Use Element Summary, Adds new language relating to implementation of the Comprehensive Plan.	Approved

On behalf of the County, County Commissioner Grippa moved to approve the tentative positions already taken by the City and County Commissions on the Consent items, including Amendments Nos. 2005-2-M-001, 2005-2-M--005, 2005-2-M-006, 2005-2-M-007, 2005-2-M-008, 2005-2-M-011, 2005-2-T-22 and 2005-2-T-023. County Commissioner Sauls seconded the motion and the vote of the County Commission was as follows, also taking action on the amendments as shown:

AYE: County Commissioners Thaeil, Sauls, Rackleff, Winchester, Grippa and DePuy
NAY: None
ABSENT: County Commissioner Proctor

DISCUSSION ITEMS

***Amendment 2005-2-M-004** was a proposed map amendment change from Residential Preservation to the Mixed Use A category (implemented with C-1 zoning) on a 0.6-acre parcel on the south side of Killarney Way near its intersection with Shamrock South.*

On behalf of the City, City Commissioner Katz moved to reconsider the City Commission's prior action to approve Amendment 2005-2-M-004 and City Commissioner Lightsey seconded the motion.

Mayor Pro Tem Gillum inquired if anyone desired to address the Joint Commission relative to this amendment, and the following person appeared:

Mr. Jim Ashlock, 3448 Mahoney Drive, representing the Killlearn Homeowners Association, appeared before the Joint Commission and discussed their opposition to this amendment, as they were dedicated to single family residential preservation and there was no need for additional C-1 zoning in Killlearn Estates.

City Commissioner Katz moved to deny Amendment 2005-2-M-004.

City Commissioner Lightsey seconded the motion and clarified with Mr. Tedder that the subject property had limited access through the parking lot of an existing commercial development. She requested that the staff provide information on proposed appropriate uses for this property because the access was constrained.

Referencing correspondence that he had distributed to the Commissioners, Mr. Tedder proposed options that would 1) not amend the future land use map category and leave it Residential Preservation; 2) amend the future land use map to Mixed Use A category (implemented with C-1 zoning), as presented; or 3) change the future land use map to Mixed Use A category (and allow OR-1 zoning). He pointed out that during the workshops there had been some concern expressed with OR-1 zoning on this property because it had no access to Killarney Way, which was a Comprehensive Plan requirement.

City Commissioner Lightsey suggested that the amendment be denied and the staff directed to bring back a proposed amendment to address situations like this in a future amendment cycle.

The vote of the City Commission to deny Amendment 2005-2-M-004 was as follows:

AYE: City Commissioners Gillum, Lightsey and Katz
NAY: None
ABSENT: City Commissioners Marks and Mustian

On behalf of the County, County Commissioner Rackleff moved to deny Amendment 2005-2-M-004 and upon second by County Commissioner Grippa, the vote of the County Commission was as follows:

AYE: County Commissioners Thael, Sauls, Rackleff, Winchester, Grippa and DePuy
NAY: None
ABSENT: County Commissioner Proctor

Amendment 2005-2-T-020 was a proposed amendment to strike all exemptions associated with closed basins within the Lake Protection Future Land Use map category. The effect would be to disallow land use densities that might be inconsistent with the purposes of the category and eliminate the need to demonstrate whether development lies within a closed basin.

Mayor Pro Tem Gillum noted that both the City Commission and the County Commission had previously voted to continue action on Amendment 2005-2-T-020 to this meeting, and he inquired if anyone desired to address the Joint Commission relating to this amendment.

City Commissioner Lightsey requested clarification as to the appropriate language for the City's position on this amendment and Assistant City Attorney Hurst advised that the Sixth Addendum on this Closed Basins amendment had been distributed, which included a footnote that was limited to Leon County only (on file in the Office of the City Treasurer-Clerk). Assistant City Attorney Hurst clarified that the proposed City language eliminated the exemption on closed basins, which meant that intense uses otherwise allowed inside Lake Protection in a closed basin were no longer allowed, and the lower densities and intensities that were in Lake Protection generally would be in effect, so that this tightened the Plan. She also clarified that the proposed City language did not include adoption of the language regarding the Summerfield Planned Unit Development (PUD).

City Commissioner Lightsey moved to approve the City's language for this amendment as described by Assistant City Attorney Hurst.

City Commissioner Katz seconded the motion and clarified with Assistant City Attorney Hurst that the City's language would not affect the outcome of the current issue that the County was addressing in the unincorporated area.

City Commissioner Lightsey explained that the City's language was intended to make Lake Protection more effective in general.

County Commissioner Winchester ascertained from City Commissioner Lightsey that the City's language did not address the Summerfield PUD and remained silent on that issue.

Mr. Tedder presented the following proposed County Commission options:

- Option A. If the PUD was overturned for any reason for the Summerfield project, it would be limited to the new densities in the Lake Protection future land use category.
- Option B. If the lawsuit results in the denial of the project for any other reasons besides the closed basin reasons, then the Summerfield project could recapture the densities and intensities that were originally approved during the PUD process.

County Commissioner Grippa clarified with County Attorney Thiele that there could be a problem with Option A if the mediation agreement between Summerfield and the County called for substantial changes to the Summerfield PUD while he anticipated no problem with Option B.

County Commissioner Winchester expressed concern that Option B would allow an opportunity for an indefinite period of time for the applicant to adjust the PUD in any way other than the closed basin if the Court rendered an option that the PUD was invalid. He inquired as to how Option B would protect public interest in the County.

County Attorney Thiele advised that the County Commission had the option of approving the City's proposed language, in which case the new Lake Protection regulations would apply regardless of what happened with the Summerfield PUD; or the option to not approve the proposed amendment, in which case the current regulations were retained and the applicant could reapply under the current standards if the lawsuit was lost for any reason. He advised that Options A and B moved the County toward the middle, with Option A requiring the applicant to comply with the new standards if the applicant lost the current PUD and, in his opinion, if the applicant had to request a major modification of the PUD. County Attorney Thiele opined that under Option B, the applicant would have to comply with the new standards if the Court ruled that the closed basin was reason to overturn the PUD ordinance. He further opined that the applicant would be able to retain no more than the maximum amount of density and units that were currently allowed and correct the procedural defect, if the Court ruled the County was procedurally deficient and had violated some other provision.

County Commissioner Rackleff clarified with Mr. Tedder that Option A was described on pages 2-3 and Option B, on page 6, of the Sixth Addendum to 2005-2-T-020, which had been distributed by staff.

Mayor Pro Tem Gillum inquired if anyone desired to address the Joint Commission relative to this amendment, and the following persons appeared:

Ms. Becky Subrahmanyam, 1257 Cornerstone Lane, appeared before the Joint Commission and urged approval of this amendment. She opined that the amendment would give more protection to the closed basin and she endorsed Option A or, alternatively, an amended Option B with the language removed that vested the applicant for its densities and intensities.

Ms. Joanne Kowal, 4871 Old Bainbridge Road, appeared before the Joint Commission and opined that Option A would be best for the lakes.

Mr. Doug Hall, P. O. Drawer 190 (32302), with the Carlton Fields Law Firm, appeared before the Joint Commission and stated that his firm represented Arbor Properties in the lawsuit litigation involving the Summerfield PUD. He referenced a memorandum that he had submitted to the County Commissioners, including a recommendation to approve Option B (*on file in the Office of the City Treasurer-Clerk*). Mr. Hall opined that a preferable option would be an Option C, to not approve this amendment while the lawsuit was pending.

Dr. Julia Revell St. Petery, 3101 Livingston Road, appeared before the Joint Commission and endorsed Option A, as she understood it provided more protection for Lake Jackson.

Dr. Louis St. Petery, 3101 Livingston Road, appeared before the Joint Commission and urged approval of Option A.

Ms. Randy Denker, 7600 Bradfordville Road, appeared before the Joint Commission and urged approval of Option A because it would give Lake Jackson the maximum protection. She questioned why the County would want to grandfather in the PUD densities and intensities if Summerfield lost the lawsuit and the Court determined the PUD to be illegal, and she pointed out the government's role was

not to underwrite land speculation. Ms. Denker urged protection of Lake Jackson and suggested that this amendment might even be unconstitutional because it appeared to be a special law passed for the benefit of one person. She also opined that special vesting was not good public policy.

Mr. George E. Lewis, II, 203 N. Gadsden Street #6, representing the Friends of Lake Jackson, appeared before the Joint Commission and requested approval of Option A. He suggested that the City was creating the possibility of nonconforming areas by not allowing this to be countywide, including the City, because the property could be annexed. Mr. Lewis questioned the rationale for granting more than Option A and he opined that there was a substantial risk that the Court would not bring back a definitive ruling that this was on a closed basin issue or that it would even address the closed basin issue, if the County Commission approved Option B, which could potentially lead to further litigation on what that meant. He opined that the approval of Option A would send the message that this government was serious about mediation.

Additionally, Mr. Lewis advised that the Friends of Lake Jackson had also proposed a simpler language that left the closed basin language in the Comprehensive Plan itself, providing that it would not apply after January 1, 2005. He stated their support of Option A and their belief that even Option B was better than the current status.

Mr. Jeff Phipps, 500 Orchard Pond Road, appeared before the Joint Commission and urged the deletion of the Mixed Use exclusion or waiver, noting that there were areas all around the Lake Jackson Basin that he considered to be appropriate for Mixed Use, equating to new urbanism, pedestrian-friendly communities that were being developed throughout the state, such as one at the corner of Highway 27 and Capital Circle at Old Bainbridge Road. He opined that it was short-sighted to not provide the communities land planners flexibility in planning the community's urban, suburban and rural developments, and he urged the Commissions to ensure that Zones A and B were preserved so as to stop erosion and flooding.

Mr. Michael Brezin, 1401 N. Randolph Circle, appeared before the Joint Commission and urged approval of Option A.

Mayor Pro Tem Gillum inquired as to the risk of creating nonconforming areas, as suggested by Mr. Lewis, and Assistant City Attorney Hurst opined that the City was not bound by any agreement the applicant had with the County if the land was annexed into the City.

County Commissioner Winchester asked if Summerfield could be developed under the Mixed Use A category if it was annexed into the City. Assistant City Attorney Hurst clarified that it would be difficult for the City to require the developer to start over if development had begun under approvals of the County, but the City would not be bound by any side agreement between the County and the developer.

The vote on the motion to approve the City's language for this amendment as described by Assistant City Attorney Hurst was as follows:

AYE: City Commissioners Gillum, Lightsey and Katz
NAY: None
ABSENT: City Commissioners Marks and Mustian

City Commissioner Lightsey pointed out that she historically did not respond favorably to an annexation petition on property that was involved in an active lawsuit, and she stated that would be her position on this property as well.

County Commissioner Winchester observed that the County was attempting to protect Lake Jackson and discussed his preference for Option A. He determined from County Attorney Thiele that

Option B would allow the applicant to reapply under the existing standards, and expressed hope that a reasonable compromise could be reached through mediation.

On behalf of the County, County Commissioner Winchester moved to approve Option A and County Commissioner Rackleff seconded the motion.

Noting that the County Commission had previously voted 4-3 to approve the Summerfield development, County Commissioner Grippa pointed out that under Option A, a settlement reached through mediation could not be adopted by the County Commission. He expressed support for Option B and cautioned that the amendment would fail if there was a 3-3 tie vote, so that there would be no lake protection.

The vote of the County Commission to approve Option A was as follows:

AYE: County Commissioners Thael and Rackleff
NAY: County Commissioners Winchester, Sauls, Grippa and DePuy
ABSENT: County Commissioner Proctor

On behalf of the County, County Commissioner Winchester moved to approve Option B and expressed hope that the mediation would be successful.

County Commissioner Grippa seconded the motion and the vote of the County Commission was as follows:

AYE: County Commissioners Thael, Winchester, Rackleff, Sauls, Grippa and DePuy
NAY: None
ABSENT: County Commissioner Proctor

***Amendment 2005-2-T-026** was a proposed text amendment revising the Land use Element Summary and objectives and policies in the Land Use, Utilities (Potable Water and Sanitary Sewer Sub-Elements) and Capital Improvements Elements. The amendment removes outdated objectives and policies and the current Water and Sewer Agreement text from the Plan. Relevant policies dealing with connection requirements for new developments have been created within the Utilities Element.*

On behalf of the City, City Commissioner Katz moved to approve Amendment 2005-2-T-026 and upon second by City Commissioner Lightsey, the vote was as follows:

AYE: City Commissioners Gillum, Lightsey and Katz
NAY: None
ABSENT: City Commissioners Marks and Mustian

On behalf of the County, County Commissioner Grippa moved to approve Amendment 2005-2-T-026 and upon second by County Commissioner Rackleff, the vote was as follows:

AYE: County Commissioners Thael, Sauls, Rackleff, Winchester, Grippa and DePuy
NAY: None
ABSENT: County Commissioner Proctor

***Amendment 2005-2-M-012** was a proposed map amendment change from Rural to Urban Fringe on approximately 232 acres located north of Mahan Drive and east of Hawks Landing Drive.*

Mayor Pro Tem Gillum inquired if anyone desired to address the Joint Commission relative to Amendment 2005-2-M-012, and the following persons appeared:

Ms. Cynthia Henderson, 6401 Walkabout Lane, representing Dr. Miley Miers, appeared before the Commission and advised that the project as proposed met concurrency and was approved for development. She stated that the developer was working with the City of Tallahassee for the extension of sewer lines to the property, and the property scheduled for purchase under the Blueprint 2000 Plan would be donated to the County. Ms. Henderson advised that the development agreement would cover the concerns of homeowners on the adjacent properties, and the property would be accessed only from the highway. She advised that there would be less timbering done on this property than was being done on Centerville Farms, and a public pass would allow people onto the Blueprint 2000 property.

County Commissioner Grippa interjected that he had to leave to catch a plane, but he intended to support this amendment. He **offered a motion to approve Amendment 2005-2-M-012 with the contingencies described by Ms. Henderson.**

County Commissioner Rackleff noted that the proposed agreement included no obligation by the developer to pay for the expansion of the schools that would be affected by the development.

Ms. Henderson advised that the staff was recommending that this be brought back the next cycle so that an Urban Services (USA) Boundary move could be considered because the City had agreed to serve this property with central sewer.

City Commissioner Lightsey observed that the current Comprehensive Plan language precluded the City from providing central sewer in the Urban Fringe.

Planner Kristen Andersen clarified that the City could provide central sewer in the Urban Fringe as long as it was within the USA boundary, and the staff was suggesting the option of bringing this property into the USA in the next amendment cycle.

City Commissioner Lightsey stated that she would not support that option.

Ms. Dorothy Spence, 3982 Chaires Cross Road, appeared before the Joint Commission and asked what had happened to the three-acre limitation on building in the rural area, which was what had kept her children from building a home on her land. She objected to this being changed for property that was further out than her land.

Ms. Michele Hackmeyer, 3201 Hawks Landing Court, appeared before the Joint Commission and urged denial of this amendment. She expressed concern that the adoption of this amendment would set precedence for developing other large parcels in the USA.

Ms. Tina Frese, 9601-33 Miccosukee Road, appeared before the Joint Commission and opposed this amendment based on its encouragement of urban sprawl. She stated that police and fire services were already inadequate in that area of the County, and advised that the construction of a Talquin water tower would not lower insurance rates or shorten critical emergency response time. Ms. Frese also discussed concern with the impact that a conservation subdivision on this property would have on Black Creek at the head waters of the St. Marks River, the quality of neighboring groundwater and drinking water, and the floodplains and wetlands east of the Interstate 10/Mahan Interchange. She also questioned the impact such a concentrated community would have on schools and roads in the area.

On behalf of the County, County Commissioner Grippa **moved to continue this public hearing until June 28, 2005, at 6:00 p.m., so that all County Commissioners could vote on Amendment 2005-2-M-012** and County Commissioner DePuy seconded the motion.

County Chairman Thael clarified with County Attorney Thiele that there was no legal objection to continuing this transmittal hearing and that such action would be appropriate if the County Commission was about to lose a quorum.

Mayor Pro Tem Gillum clarified with Assistant City Attorney Hurst that the City Commission could take the remaining public input and then vote on the pending motion and on the other items, and the Planning Department would transmit all of the amendments approved by the City Commission and the County Commission at the same time.

Assistant City Attorney Hurst advised that the applicant for this amendment had agreed to have this amendment continued to the next cycle of amendments, and that was also an option.

County Commissioner Grippa ascertained that the consensus was to continue Amendment 2005-2-M-012 to the next cycle and he **withdrew his motion for continuance**.

Mr. Herman Frese, 3816 Lost Lane, appeared before the Joint Commission and urged denial of Amendment 2005-2-M-012. He stated that Black Creek already had incidences of flooding, which would be exacerbated by more development in the area, and he recommended compliance with the Comprehensive Plan.

Mr. Ed Deaton, 9601 Miccosukee Road #25, appeared before the Joint Commission and urged denial of Amendment 2005-2-M-012, noting that the owner had the ability to construct 24 homes on the property. He suggested that a vote to increase density in this area by 50 homes would be a vote to increase property taxes, and he opined that the homes constructed would help drive up the cost of housing and make it more difficult to find affordable housing in Leon County.

On behalf of the City, City Commissioner Lightsey moved the City Commission's previous position on Amendment 2005-2-M-012 and on all of the remaining amendments, including the denial of Amendment 2005-2-T-024 and the approval of Amendments 2005-2-M-014, -M-015, -M-016, -M-017, -T-018, -T-019 and -T-021, and to transmit the approved Cycle 2005-2 Amendments to the Florida Department of Community Affairs (FDCA) for state compliance review. City Commissioner Katz seconded the motion and the vote of the City Commission was as follows:

AYE: City Commissioners Gillum, Lightsey and Katz
NAY: None
ABSENT: City Commissioners Marks and Mustian

Amendment 2005-2-M-014 was a proposed map amendment change from Residential Preservation, Government Operational and Mixed Use A to Residential Corridor on approximately 130 acres located north of Mahan Drive and east and west of Thornton Road.

Amendment 2005-2-M-015 was a proposed map amendment change from Residential Preservation to Residential Corridor and Residential Corridor Node on approximately 80 acres located north and south of Mahan Drive and east of Edenfield Road and Highland Drive.

Amendment 2005-2-M-016 was a proposed map amendment change from Residential Preservation and Mixed Use B to Residential Corridor on approximately 56.85 acres located north and south of Mahan Drive near Dempsey Mayo Road.

Amendment 2005-2-M-017 was a proposed map amendment change from Rural to the Urban Fringe category on 92 parcels totaling 242.35 acres in the Crump Road area.

Amendment 2005-2-M-018 was a proposed text amendment creating 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.

Amendment 2005-2-M-019 was a proposed text amendment change to 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.

Amendment 2005-2-T-021 was a proposed text amendment modifying 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 denied Amendment 2005-2-T-024 was a proposed text amendment addressing 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. The amendment also proposed the establishment of a linked-deposit program for the provision of affordable residential mortgages in the Southern Strategy Area.

With regard to Amendment 2005-2-M-012, City Commissioner Lightsey expressed distress to hear the characterization that the City Utilities supported a Comprehensive Plan amendment that would expand the USA or support a development agreement on this particular amendment.

Mr. Tedder explained that from an environmental perspective Planning staff did not want to promulgate the use of septic tanks within this area and had determined from the Utilities staff that the proposed development could be served with central sewer while it would be necessary to extend the USA to the property.

City Commissioner Lightsey emphasized that she would not support the expansion of the USA boundary to serve this property to facilitate that development because it was a bad idea regardless of how many limitations were placed on it. She stated that she wanted it to be clear that City Utilities was not supporting Amendment 2005-2-M-012 or some subsequent amendment about moving the USA boundary.

On behalf of the County, County Commissioner Rackleff moved to deny Amendment 2005-2-M-012. The motion died for lack of a second.

County Commissioner Winchester noted that he and some other Commissioners were concerned with providing sewer to this property if it was developed, and he opined that a more prudent approach would be to continue Amendment 2005-2-M-012 to the next cycle so that differences could be resolved. He stated that there were some good aspects of this amendment relating to the donation of property identified by Blueprint 2000 and some other issues, but he was not prepared to approve the amendment while he was willing to continue the amendment for future consideration.

On behalf of the County, County Commissioner Winchester then moved to continue Amendment 2005-2-M-012 and County Commissioner DePuy seconded the motion.

County Commissioner Rackleff clarified with County Attorney Thiele that by continuing Amendment 2005-2-M-012, it would be taken out of the current cycle and put into the next cycle of

amendments. Brief discussion continued and Mr. Goodrow explained that this allowed the staff an opportunity to bring back information on the issue of sewer and as well as other issues.

County Commissioner Winchester strongly encouraged the applicant to bring back a true conservation subdivision design for the proposed development.

County Chairman Thael stated that he continued to maintain his previous position.

The vote of the County Commission to continue Amendment 2005-2-M-012 to the next cycle was as follows:

- AYE: County Commissioners Rackleff, DePuy and Winchester
- NAY: County Commissioners Thael and Sauls
- ABSENT: County Commissioners Proctor and Grippa

On behalf of the County, County Commissioner Sauls moved to approve the City's position of approval on Amendment 2005-2-T-021 and upon second by County Commissioner Rackleff, the vote of the County Commission was as follows:

- AYE: County Commissioners Thael, Sauls, Rackleff and Winchester
- NAY: None
- ABSENT: County Commissioners Proctor, Grippa and DePuy

On behalf of the County, County Commissioner Sauls moved to approve the City's position on the remainder of the amendments, including the denial of Amendment 2005-2-T-024 and the approval of Amendments 2005-2-M-014, -M-015, -M-016, -M-017, -T-018 and -T-019, and upon second by County Commissioner Winchester, the vote of the County Commission was as follows:

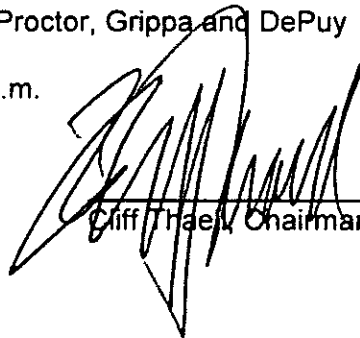
- AYE: County Commissioners Thael, Sauls, Rackleff and Winchester
- NAY: None
- ABSENT: County Commissioners Proctor, Grippa and DePuy


On behalf of the County, County Commissioner Winchester moved to transmit the approved amendments to the FDCA for compliance review and upon second by County Commissioners Sauls, the vote of the County Commission was as follows:

- AYE: County Commissioners Thael, Sauls, Rackleff and Winchester
- NAY: None
- ABSENT: County Commissioners Proctor, Grippa and DePuy

The meeting was adjourned at 8:10 p.m.




Cliff Thael, Chairman



Bob Inzer, Clerk of the Circuit Court