

SPECIAL COMMISSION MEETING

Tallahassee, Florida
October 6, 2005

JOINT CITY-COUNTY COMMISSION COMPREHENSIVE PLAN PUBLIC HEARINGS ON THE ADOPTION OF 2005-2 CYCLE AMENDMENTS AND IMPLEMENTING REZONING ORDINANCES

The City Commission met in special joint session with the Board of Leon County Commissioners (County Commission) on October 6, 2005, in the Courthouse Commission Chamber, with City Commissioners Lightsey, Katz and Mustian, and County Commissioners Proctor, Sauls, DePuy, Rackleff and Winchester present. Also present were Assistant City Attorney Hurst and County Attorney Thiele.

Vice-Chairman Proctor called the joint meeting to order at 6:09 p.m.

Chief of Comprehensive & Environmental Planning Fred Goodrow reviewed the agenda as distributed. He announced the process for speaker appearances and requested that speakers limit their comments to no more than six minutes.

FINAL PUBLIC HEARING ON CYCLE 2005-2 AMENDMENTS TO THE COMPREHENSIVE PLAN

Mr. Goodrow presented the following Cycle 2005-2 Amendments for public input:

<i>Item #</i>	<i>Nature of Amendment</i>	<i>City Commission Position</i>	<i>County Commission Position</i>
2005-2			
M-001	<u>Future Land Use Map</u> Proposed map amendment change from Residential Preservation (overlying Rural) to Urban Fringe on approximately 10 acres located across from Chiles High School at 7079 Thomasville Road.	A Also, approval of the option changing Millwood Estates Subdivision to UF	A Also, approval of the option changing Millwood Estates Subdivision to UF
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.	D	D
M-003	Withdrawn by Applicant		
M-004	<u>Future Land Use Map</u> 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.	D	D
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.	A	A
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.	A	A
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.	A with Modification	A 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.	D	D

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.	D	D
M-010	Withdrawn by Applicant		
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.	A	A
M-012	<u>Future Land Use Map</u> Proposed map amendment change from Rural to Urban Fringe on approximately 232 acres located north of Mahan Drive and east of Hawks Landing Drive.	D	Resubmit next cycle (2006-1)
M-013	There is no amendment numbered M-013.		
M-014	<u>Future Land Use Map</u> 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.	A	A
M-015	<u>Future Land Use Map</u> 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.	A	A
M-016	<u>Future Land Use Map</u> 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.	A	A
M-017	<u>Future Land Use Map</u> Proposed map amendment change from Rural to the Urban Fringe category on 92 parcels totaling 242.35 acres in the Crump Road area.	A	A
T-018	<u>Land Use Element Summary</u> Addition to include the Mahan Drive Land Use categories, including changes to the Land Development Matrices	A	A
T-019	<u>Land Use Element</u> Amends description of Urban Fringe to eliminate confusion between Cluster Development and Conservation Developments in the Urban Fringe Category.	A	A
T-020	<u>Land Use Element</u> Deletes language within the Lake Protection Category relating to closed basin exemptions.	A with Modification	A with Modification Alternative B w/Sixth Addendum
T-021	<u>Land Use Element</u> Leon County Land Use Development Matrix & Tallahassee Development Matrix	A	A
T-022	<u>Transportation Element</u> Update 2020 Plan Roadway Functional Classification Maps and list of roadways.	A	A
T-023	<u>Transportation Element</u> Capital Improvements Element; Future Land Use Element Summary, adds new language relating to implementation of the Comprehensive Plan.	A	A
T-024	<u>Housing Element</u> Proposed amendment creates new opportunities for the Leon County and the City of Tallahassee to engage and ensure that local financial institutions, practice fair and equitable lending in residential mortgages.	D (Treasurer Clerk to bring back alternatives)	D
T-025	<u>Future Land Use Element</u> Proposed amendment establishes principles for defining boundaries for Future Land Use Maps (FLUM) Categories and ensuring consistency between the zoning map and the FLUM.	Withdrawn by Applicant	
A = Approve D = Deny			

Mr. Goodrow advised that the Florida Department of Community Affairs (FDCA) had objected to five of the proposed Cycle 2005-2 Amendments, including Amendments 2005-2-M-006, -M-014, -M-015, -M-016 and -T-018, as described in Attachment 5 to the Agenda Materials. He further advised that following public input, the staff was requesting action on the Cycle 2005-2 Amendments as transmitted to the FDCA, including Amendments 2005-2-M-006, -M-014, -M-015 and -M-016, and on Text Amendment 2005-2-T-018 as amended in response to FDCA objections, as provided in the Response to the FDCA Report (Attachment 6 to the Agenda Materials).

Mr. Goodrow presented Amendment 2005-2-M-017 and Comprehensive & Environmental Planning Manager Jean Gregory announced the speakers on this amendment.

Mr. Fred Johnson, 4315 Crump Road, representing himself and Laura Walker Rosier and Hannah Walker, appeared before the Joint Commission and requested that the Walker Family property, consisting of slightly more than 40 acres, remain Rural, as they would like to remain in Agricultural status.

Mr. Buddy Vincent, 560 Frank Shaw Road, appeared before the Joint Commission and, noting that he owned property within the effected area, discussed his support for this rezoning to Urban Fringe. He advised that the Agricultural status of the effected properties would not change and those property owners could continue their agricultural practices.

Commissioner Lightsey clarified with Mr. Goodrow that the Urban Fringe zoning category allowed one unit per three acres, and she questioned if the staff anticipated a property tax increase for the homeowners with the proposed rezoning.

Director of Planning Wayne Tedder advised that much of the area was already developed to Urban Fringe density and intensity, and there was room for only 17 additional lots for the entire area. He stated that some parcels would be eligible for additional density; therefore, they might be taxed higher while most of the properties were limited to their existing density. Mr. Tedder depicted the location of the Walker Family property, which was included in the subject amendment. Brief discussion continued relating to the differences in the Rural and Urban Fringe zoning districts.

Ms. Gregory announced the following speakers on Amendment 2005-2-T-020:

Mr. Barry Poole, 2145 Delta Boulevard, representing the Palafox Planned Unit Development (PUD), appeared before the Joint Commission and urged the Joint Commission to exempt this PUD from Amendment 2005-2-T-020 and allow it to be "grandfathered in" under the current Comprehensive Plan language and County regulations, so that the PUD could be utilized to provide a density transfer allowing 36 single-family lots. He submitted copies of letters supporting this request from himself and from Mr. Mark Freund (*on file in the Office of the City Treasurer-Clerk*).

Ms. Becky Subrahmanyam, 1257 Cornerstone Lane, appeared before the Joint Commission and urged approval of Amendment 2005-2-T-020 as transmitted to FDCA.

Mr. George E. Lewis, II, 203 N. Gadsden Street #06, appeared before the Joint Commission and urged approval of this amendment as transmitted.

Mr. Doug Hall, Carlton Field Law Firm, representing Arbor Properties in the lawsuit regarding the Summerfield PUD, appeared before the Joint Commission and noted that this amendment removed the closed basin exception from the Lake Protection category. He opined that the footnote would maintain the status quo while the lawsuit was pending and expressed support for this amendment as transmitted.

On behalf of the County, County Commissioner Sauls moved to approve Map Amendments 2005-2-M-001, -005, -006, -007, -014, -015, -016 and -017, and County Commissioner Rackleff seconded the motion.

County Commissioner Proctor stated his preference for exempting the Walker Family property from Amendment 2005-2-M-017. He clarified with County Attorney Thiele that there were no objections to Amendment 2005-2-M-017 other than from the Walker Family.

The vote of the County Commission to approve these Map Amendments was as follows:

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

On behalf of the City, City Commissioner Katz moved to approve Map Amendments 2005-2-M-001, -005, -006, -007, -014, -015, -016 and -017, and upon second by Commissioner Mustian, the vote of the City Commission was as follows:

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

On behalf of the County, County Commissioner Winchester moved to approve Amendment 2005-2-T-020 as transmitted to the FDCA and County Commissioner Sauls seconded the motion.

County Commissioner Rackleff clarified with County Attorney Thiele that an additional exemption could be created in the footnote to Amendment 2005-2-T-020, identified by locational characteristics, and he suggested the addition of the following language: "The repealer language of this amendment would not apply to the property that is the subject matter of the PUD application #LSP-050060, which is located west of Martin Hurst Road and north of Timberlane Road."

County Commissioner Winchester objected to adding additional language that was not before the Commission in writing and clarified that his desire was to support Lake Protection.

County Chairman Proctor clarified with County Attorney Thiele that County Commissioner Winchester's motion was consistent with the amendment as transmitted to the FDCA.

The vote of the County Commission on the motion to approve Amendment 2005-2-T-020 as transmitted to the FDCA was as follows:

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

City Commissioner Lightsey clarified with Assistant City Attorney Hurst advised that there were some changes in the text that applied to the City while the footnote was applicable only to the County, and she advised that City staff had no objection to the text language as revised.

City Commissioner Lightsey also confirmed with Assistant City Attorney Hurst that the text of the amendment required on-site stormwater retention in Lake Protection unless a development was single family, regardless of whether it was in a closed basin. She also ascertained that Stormwater staff had no objection to this amendment.

Commissioner Katz ascertained that no analysis of the cost impact to property owners was available.

On behalf of the City, Commissioner Mustian moved to approve the text amendment and upon second by Commissioner Katz, the vote of the City Commission to approve Amendment 2005-2-T-020 as amended and transmitted to FDCA was as follows:

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

Mr. Goodrow advised that Map Amendment 2005-2-M-011 had been inadvertently omitted from the prior map amendment approvals.

On behalf of the County, County Commissioner Sauls moved to approve Amendment 2005-2-M-011 and upon second by County Commissioner Rackleff, the vote of the County Commission was as follows:

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

On behalf of the City, City Commissioner Mustian moved a like motion and upon second by City Commissioner Katz, the vote of the City Commission was as follows:

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

Mr. Goodrow advised that Text Amendment 2005-2-T-018 was recommended for approval as modified per Attachment #6 to the Agenda Materials.

On behalf of the County, County Commissioners Sauls moved to approve Amendment 2005-2-T-018 as recommended and upon second by County Commissioner Rackleff, the vote of the County Commission was as follows:

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

On behalf of the City, City Commissioner Mustian moved a like motion and upon second by City Commissioner Katz, the vote of the City Commission was as follows:

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

ADOPTION OF CYCLE 2005-2 AMENDMENTS

Mr. Goodrow presented the adoption ordinances.