

Joint Hearing of the Tallahassee City Commission
and the
Leon County Board of Commissioners

Cycle 2006-1 Comp Plan Amendments

December 1, 2005

6:00 p.m.

The Board of County Commissioners of Leon County met in a special joint meeting with the City of Tallahassee in the County Commission Chambers. Present were County Commissioners DePuy (Vice-Chairman), Sauls, Winchester, Rackleff, and Grippa (Commissioners Thael and Proctor were absent due to attending the Florida Association of Counties Conference). City Commissioners present were Mayor Marks; Commissioners Gillum and Lightsey. Also present were County Attorney Thiele, County Administrator Alam, and Deputy Clerk Diane Norvell.

Vice-Chairman DePuy called the meeting to order at 6:10 p.m.

Fred Goodrow, Planning Department, explained that the purpose of the meeting is for the Joint City and County Commissions to vote to transmit the 2006-1 Amendments to the State Department of Community Affairs.

Map Amendment 2006-1-M-003

Proposed map amendment change from Mixed Use C to University Transition for approximately 1.2 acres located on Hayden Road between Overstreet and Bellevue Way

Glen Sapp, 10515 Blue Wing Court, appeared and supported the proposed changes to the mosque on Bragg Drive. He remarked that the changes or additions would not have any adverse affect to the surrounding neighborhood. The improvements would improve the area aesthetically.

Rabbani Muhammad, 95 E. Park Avenue, appeared and explained that his Architectural firm has been planning to create and expand the mosque in a new housing style so as to offer new housing as owner-

occupied residential housing units under the requested zoning amendment if adopted. The project seeks to embrace and enhance the concept of community stability and the planned values that accommodate such owner-occupied units. Mr. Muhammad pointed out that the older hotel would be renovated and sold as efficiency apartments or townhouse-type development. He plans to expand what is currently on the site and then take it to the next level, single-family occupancy for a townhouse development-type situation.

Mayor Marks clarified that Mr. Muhammad is currently operating as non-permanent housing at this point, but he is going to transition it into some type of permanent housing arrangement which is why he needs the comp plan amendment. Mr. Muhammad pointed out that in some cases it would involve transitional housing - people that might need immediate housing and have been given an allotment such as Section 8. He stated that he provides services to disadvantaged people and needs the capability to provide safe housing until they can obtain Section 8 or some other assistance.

Commissioner Rackleff suggested that a plan should be devised and recommended to defer the adoption hearing to the next cycle if possible.

City Commissioner Gillum stated that he does not know if the need exists on this piece of property to create additional permanent housing in the suggested method. He was interested in preserving what is happening there right now and requested advice from staff on how to do that.

Mr. Wade Pitt, City Growth Management Department, pointed out that the current Code would allow transitional residential facilities - they could go in any zoning district except industrial.

Mr. Muhammad stated that the property across the street from him is virtually wetlands, and is intersected by the old railroad tracks; it was a continuous piece of the pond adjacent to the existing railroad tracks. As terms as its viability, not much of anything could be built there.

Mr. Wayne Tedder, Planning Department Director, pointed out that currently the house is being used for temporary housing as a service to the mosque; under the current zoning, they can come in through the transitional housing process that is established in the Code through the site plan process outside the Comp Plan amendment and establish that use as a legal conforming use (to expand or modify). This basically preserves the rights they have at this time; down the road if they intend to sell off those homes or units or redevelop the property, that would be the time to look at it holistically and determine what the area should be. Mr. Tedder advised to accomplish this scenario, the amendment should be denied and staff would handle this through site plan review process.

Commissioner Lightsey moved and duly seconded by Commissioner Gillum to deny the application and instruct staff to assist this applicant in the other process which will get them to their goal. The motion carried unanimously, 3/0 (City Commissioners Mustian and Katz not present).

Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried 4 – 1 (Commissioners Thael and Proctor were not present and Commissioner Grippa opposed), to concur with the City's position.

Map Amendment 2006-1-M-007 (Miley Miers)

Proposed map amendment to change from Rural to Urban Fringe on approximately 232 acres located north of Mahan Drive and east of Hawks Land Drive

Dr. Pamela Hall, 5051 Quail Valley Road, voiced concern about the precedent setting of this particular property and the extension of sewer. She referred to an agreement concerning the next item, Map Amendment 2006-1-008. She was concerned because the sewer service is being extended outside the urban services boundary and was being extended, not in the area of intent. Mrs. Hall indicated that the County should do a better job at how they permit septic tanks and make higher-technology septic tanks available or required. Dr. Hall also was concerned about central sewer being put in the US (Urban Services area) and having the affluent pumped over the Cody Scarf and dumped on sensitive soils that proposed amendment 2006-1-T-

008 (that applies to central sewer) is supposed to alleviate. There is a limited resource of sewage treatment and she would like to see that resource retained for the soils in the part of town that need it the most which is the Southside. Ms. Hall stated that this is not a good precedent and not a good use of the conservation subdivision.

Commissioner Rackleff opposed the amendment because of all the sprawl issues, impact on the roads, impact on public services and the schools. He stated that if the amendment is approved, the applicant would be able to sell 77 lots rather than 8-25 lots.

Ms. Kirsten Anderson, Planning Department, explained as part of the agreement, sewer would have to be done – if the sewer is not provided, then the project would not occur.

Mr. Tedder explained that the City Utilities Department is looking at a master plan for a 20-year period to extend sewer into areas in the community - the USA is priority right now. Text amendment T-008 would allow staff to now look at considerations of areas that Planning would want to prioritize; Planning staff added language that basically says they are not going to other areas before they go to sensitive environmental areas; the focus is on areas that need it the most. Mr. Tedder pointed out that the direction of the Comp Plan is to serve the sensitive areas, otherwise to get it paid for by developers and not the City of Tallahassee.

A southside representative appeared and stated that amendment T-008 exists specifically to accommodate the needs on this subdivision and the requirement, if it moves forward, would be to have sewage access. She explained that she previously told Commissioner Katz that she would like to partner with the City to extend the sewer line to the USA and look at some funding from additional sources.

Commissioner Lightsey pointed out the City does not have a development agreement but the County has one. She stated that if the commissions spend public money and makes this Comp Plan change, the applicant would get higher density – so government is reaching out do something for the applicant. Commissioner Lightsey wanted to know if there will be affordable housing out there since

government is making this all possible and pointed out that there is no regulatory agreement.

Commissioner DePuy noted that Dr. Miers gave the County 142 acres of the property as conservation easement so nothing can be done with that portion. He pointed out that if the Commissions approve the amendment, only 74 houses could be constructed on the property.

Commissioner Lightsey referred to amendment T-008 which is the provision for sewer outside the USA to the urban fringe and stated that she would be happier if the language were more specific and gave preference to serving southern strategy areas in the Wakulla Spring shed. She stated there are failed septic tanks all over this community in all soil types, in all density developments; anyone of those could be declared an environmentally sensitive area.

Regarding Amendment M-007, Commissioner Lightsey stated that she was going to vote against it and remarked that it was premature and leapfrog development and would not cure existing environmental problems in the area. She pointed out that nothing would force the existing development with septic tanks to hook up to sewer. She would rather that Amendment T-008 include preference language of the Southern Strategy area and the Wakulla Spring Shed even if that is not a hard and fast requirement that those be the first projects.

Dr. Miley Miers, applicant, appeared and stated that the timber on his 140-150 acres could be harvested at \$1,000 per acre, and currently he could he could put cows and/or pigs on the property.

Commissioner Grippa stated that, for the record, apparently all the septic tanks in the rural area are okay according to a City Commissioner. He remarked that the City is not paying anything, yet they are supposed to take sewer to the USA which is in the Comp Plan. Commissioner Grippa pointed out that beyond the USA, Dr. Miers is paying for it.

Commissioner Gillum pointed out that the developer did agree to dedicate a percentage to Inclusionary Housing. Ms. Beck, Planning Department, explained that Dr. Miers has agreed to fall under the Inclusionary Policy of the City; the County does not have a policy.

The City's position was that if they are going to extend to the USA and are putting dollars into it, they would like to see some reciprocity. She stated that she believes there is amendment language that Commissioner Gillum is proposing.

Commissioner Winchester indicated the importance of having incentives and applying Inclusionary Housing to this situation. He remarked that the application has many positive benefits; conservation area; permanently protected open space; water resource, sewer – avoiding septic tanks.

Commissioner Winchester moved approval of Alternative A (Development Agreement) in Map Amendment 2006-1-M-007. Commissioner Sauls seconded the motion.

The County Commission briefly discussion procedural issues and the Consent Agenda. It was determined that the item was out of order.

Commissioner Winchester withdrew his motion and Commissioner Sauls withdrew her second.

The Commissions resumed discussion and received public comment.

The following citizens appeared:

Text Amendment 2006-1-T-008: Utilities Element
Proposed text amendment to Policy 1.31. (SS) to allow the provision of central sanitary sewer service within the Urban Fringe land use category outside of the existing Urban Services Area boundary when such service is available and certain provisions are met.

Pamela Hall, 5051 Quail Valley Road, stated that this it is a trade-off and is a question of where to put the trade-off in terms of Amendment 7 and Amendment 8 because they go together. Regarding Amendment 8, She wanted to make sure that when Amendment 8 comes in – it is not gauged on how much affluent goes into the sprayfield, but it is the entire resources creating this infrastructure and the priority of the City should be kept and not side-tracked and not driven by developers. Ms. Hall stated that the City should not be reactive but proactive in making a decision about where high density

development should go. She also pointed out that sewer extension is expensive but treatment is also costly and should be reserved for higher density than 74 units on 232 acres.

Text Amendment 2006-1-T-014 Land Use, Conservation & Utilities Elements & Vision Statement

Proposed streamlining of text amendment to remove the Land Use Element Summary from the Comprehensive Plan by either deleting unnecessary and/or outdated text or relocating substantive text to the Comprehensive Plan's vision statement; land use element goals, objectives and policies.; Utilities Element goals, objectives and policies; or Conservation Element goals, objectives and policies.

Beck Subrahmanyam, 1257 Cornerstone Lane, stated that she emailed the Commissioners about the proposed amendment. The Commissions were in receipt of her written material. She stated that staff has done a good job in sorting out what needs to be done in this complicated amendment but felt that in the process there is some language that is being lost. Mrs. Subrahmanyam's written material indicates the areas where she believes language is removed, suggesting that there are ten pages of Comp Plan language that would disappear with this amendment; she wanted to know if Commissioner's are comfortable with that. She voiced concern that the entire language was not posted on the website and suggested that it be put in PDF format so the public could keep up with it. Also, the new vision statement is four pages but there are no dividing statements or paragraph headings; she wanted to see more organization. Mrs. Subrahmanyam suggested that her recommendations be turned over to an appointed citizens committee to determine the statements that should remain and reorganize the vision statement with appropriate division and headings; postpone this amendment until the next Comp Plan Cycle and determine an approach to deal with the issues.

Mr. Tedder explained that staff previously read over the material that was presented by Mrs. Subrahmanyam. He explained that the proposed amendment is the first major effort to clean up the Comp Plan and to make it readable and understandable and put things into place where it belongs. He explained that nothing in the amendment was intended to take away any policy language that was in the Comp

Plan – there should be no policy changes in the proposed amendment transmitted to DCA. He committed to read through Mrs. Subahmanyam's material and if staff finds something that is substantial he will go back and add it to the process when they come back for adoption hearing. Mr. Tedder noted that there was one item regarding the Southern Strategy Area that Commissioner Lightsey found and staff agreed that it needs to be added back in. Any item that needs to be identified will be brought back at the adoption hearing.

Commissioner Gillum suggested that staff pay special attention to the language that was removed regarding the Southern Strategy. Mr. Tedder responded that staff would look at it closely and noted that a lot of the language was duplicated in other parts of the policy of the Comp Plan.

Commissioner Lightsey moved to approve the Consent items with the exception of Amendments 2006-1-M-007, 2006-1-T-008, and 2006-1-T-014 from Consent (which would be taken up individually). Commissioner Gillum seconded the motion. The motion carried unanimously, 3/0 (Commissioners Katz and Mustian were not present).

Consent Items (City and County Commissions are in agreement):

Map Amendments: 2006-1-M-001; 2006-1-M-002; 2006-1-M-005, 2006-1-M-006

Text Amendments: 2006-1-T-009; 2006-1-T-010; 2006-1-T-011; 2006-1-T-12; 2006-1-T-013; 2006-1-T-015

Item # 2006-1-	Nature of Amendment	Leon County School District Staff Comments	Planning Staff Recommendation	LPA Recommendation
M-001	Future Land Use Map Proposed map amendment change from Residential Preservation to Central Urban for .33 acres located on the NE corner of the intersection of Gibbs Drive and W. Fourth Avenue.		A	AM Expanded the area to include 1 lot to the east & 2 lots to the west
M-002	Future Land Use Map Proposed map amendment change from Mixed Use C to University Transition for approximately 1.2 acres located on Hayden Road between Overstreet Street and Bellevue Way.		A	A
M-003	Future Land Use Map Proposed map amendment change from Residential Preservation to Mixed Use B (implemented with OR-2 zoning) for a 1.23-acre parcel located on the south side of Bragg Drive between South Adams Street and Bellaire Drive.		D	AM Expanded the area to include 1 lot to the east & 1 lot to the north
M-004	WITHDRAWN BY THE APPLICANT			
M-005	Future Land Use Map Proposed map amendment to change 17.5 acres of land from Mixed Use B to Residential Preservation. The subject site is part of the Crawfordville Trace development and is located off Crawfordville Road between Gem Terrace and Whittaker Road.		A	A

Item # 2006-1-	Nature of Amendment	Leon County School District Staff Comments	Planning Staff Recommendation	LPA Recommendation
M-006	<p>Future Land Use Map Proposed map amendment to change 25.1 acres of land from Mixed Use B to Residential Preservation. The subject site comprises the Oak Ridge South and the Oak Ridge South Unrecorded subdivisions and is located south of Ross Road and east of Shelfer Road and west of Joseph Street in southern unincorporated Leon County.</p>		A	A
M-007	<p>Future Land Use Map Proposed map amendment to change from Rural to Urban Fringe on approximately 232 acres located north of Mahan Drive and east of Hawks Landing Drive.</p>		D	<p>AM Recommended Alternative C with Development Agreement</p>
T-008	<p>Utilities Element Proposed text amendment to Policy 1.3.1 [SS] to allow the provision of central sanitary sewer service within the Urban Fringe land use category outside of the existing Urban Services Area boundary when such service is available and certain provisions are met.</p>		A	A
T-009	<p>Transportation Element Proposed text amendment to the Transportation Element, Policy 1.6.4, which would change the wording from "encourage" to "require" as it relates to the interconnection for vehicular/pedestrian traffic between adjacent incompatible developments if this interconnection has the potential to reduce the vehicular traffic on the external street system without negatively impacting either development.</p>		A	A

Item # 2006-1-	Nature of Amendment	Leon County School District Staff Comments	Planning Staff Recommendation	LPA Recommendation
T-010	Transportation Element Proposed text amendment to the Transportation Element, Policy 1.6.3, which would change the wording from "encourage" to "require" as it relates to the interconnection between adjacent, compatible development.		A	A
T-011	Capital Improvement Element Proposed text amendment to the annual update of the five-year schedule of Capital Improvements Projects for the 2006-2010 planning time frame.		A	A
T-012	Conservation Element Proposed text amendment to Policy 2.1.7 [C] that together with amendment 2006-1-T-013 consolidates City of Tallahassee policy on stormwater retrofit into one location within the Comprehensive Plan. The proposed amendment would eliminate redundancy and the potential for conflict by modifying this policy to reference Stormwater Element Policy 1.4.2 [SM]. This change together with amendment 2006-1-T-013 would also update the Comprehensive Plan to reflect the current level of action accomplished by the City Commission regarding stormwater retrofit.		A	AM Approve Revision as Recommended by Staff
T-013	Conservation Element Proposed streamlining text amendment to remove the Land Use Element Summary from the Comprehensive Plan by either deleting unnecessary and/or outdated text or relocating substantive text to the Comprehensive Plan's Vision Statement; Land Use Element goals, objectives and policies; Utilities Element goals, objectives and policies; or Conservation Element goals, objectives and policies.		A	AM Approve Revision as Recommended by Staff
Item # 2006-1-	Nature of Amendment	Leon County School District Staff Comments	Planning Staff Recommendation	LPA Recommendation
T-014	Conservation Element Proposed streamlining text amendment to remove the Land Use Element Summary from the Comprehensive Plan by either deleting unnecessary and/or outdated text or relocating substantive text to the Comprehensive Plan's Vision Statement; Land Use Element goals, objectives and policies; Utilities Element goals, objectives and policies; or Conservation Element goals, objectives and policies.		A	A
T-015	Land Use Element Proposed text amendment to provide additional site design flexibility for developments promoting affordable housing.		A	A

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Thael and Proctor not present), to approve the Consent (as listed above) with the exception of Items Amendments 2006-1-M-007, 2006-1-T-008, and 2006-1-T-014 (which would be taken up individually).

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried 4 – 1 (Commissioner Rackleff voted in opposition), to approve Amendment 2006-1-M-007 with affordable housing.

Commissioner Lightsey assumed the Chair and Commissioner Gillum moved, duly seconded by Commissioner Marks, which carried 2 – 1 (Commissioner Lightsey voted in opposition and Commissioners Katz and Mustain were not present), to approve Amendment 2006-1-M-007.

Commissioner Sauls moved and was duly seconded by Commissioner Winchester to approve Amendment 2006-1-T-008.

Mr. Tedder explained that staff had no objection to making Wakulla Springs Shed a priority area, but with the understanding that when the infrastructure is extended, according to this policy, the City does not pay for the infrastructure, the developer pays for the infrastructure.

Commissioner Rackleff stated that he is voting against it because he feels that it takes us away from the general purpose of the amendment which was to have a concerted effort in the Southside below the Cody Scarp to cut down on failing septic tanks pollution of Wakulla Springs; to include other areas is simply an incentive to create more sprawl and serve newly constructed areas rather than already constructed areas.

The motion on the floor carried 4 – 1 (Commissioner Rackleff voted in opposition, and Commissioners Thael and Proctor were absent).

Commissioner Lightsey moved to approve Amendment 2006-1-T-008 with the inclusion of Mr. Tedder's recommended priority statement language. Commissioner Gillum seconded the motion.

Commissioner Lightsey explained that this is the first step and there is need for further work on retrofitting existing developed areas where there is a lot of failed septic tank issues.

The motion on the floor carried unanimously, 3/0 (Commissioners Katz and Mustian not present).

Commissioner Sauls moved, duly seconded by Commissioner to approve Amendment 2006-1-T-014 with the additional comments by Mrs. Subrahmanyam, that staff look at those issues. Commissioner Rackleff seconded the motion which carried unanimously, 5/0 (Commissioners Thael and Proctor were not present).

Commissioner Gillum moved, duly seconded by Commissioner Lightsey and carried unanimously, 3/0 (Commissioners Katz and Mustain were not present), to approve Amendment 2006-1-T-014 noting that the language Mr. Tedder referenced tonight will be included before the actual transmittal; anything beyond that, which staff wishes to insert, will be inserted before adoption.

Commissioner Lightsey moved, duly seconded by Commissioner Gillum and carried unanimously, 3/0 (Commissioners Katz and Mustain were not present) to transmit to DCA.

Commissioner Grippa moved, duly seconded by Commissioner Sauls and carried unanimously, 5/0 (Commissioners Thael and Grippa were not present), to transmit to DCA.

There being no further business to come before the Board, the joint City/County meeting adjourned at 8:00 p.m.

Approved: _____ *Bill Proctor*
Chairman *Chairman*



ATTEST:

[Signature]

Bob Inzer
Clerk of the Circuit Court