# LEON COUNTY
# OFFICE OF GROWTH AND ENVIRONMENTAL MANAGEMENT
# DEVELOPMENT REVIEW COMMITTEE REPORT

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| STAFF RECOMMENDATION: | APPROVAL WITH CONDITIONS |
| PROJECT NAME: | Summerfield PUD (LSP 040038)<br>(PUD Concept Plan with Rezoning) |
| APPLICANT: | Arbor Properties, Inc.<br>2750 Old St. Augustine Road<br>Tallahassee, Florida 32302<br>(850) 656-7667 |
| AGENT: | Allen Nobles & Associates, Inc.<br>2844 Pablo Avenue<br>Tallahassee, Florida 32308<br>(850) 385-1179 |

SUMMARY OF THE APPLICATION:
The proposed development consists of a mixed use Planned Unit Development on a 106.96 acre parcel located on the west side of North Monroe Street, on the east side of Old Bainbridge Road and north of Perkins Road. The property is mostly within several small closed drainage basins. The mixed use development will consist of 176 single family lots, a 312 unit apartment complex within 13 multiple family residential structures with a club house, two commercial tracts, internal streets, preserved natural areas and open spaces including six retention ponds. All streets and stormwater management areas and open space areas will be owned and maintained by the property owners association. The applicant is requesting Planned Unit Development **rezoning with Conceptual Plan approval** on the106.96 acre parcel now zoned Lake Protection (LP).

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| DATE OF DRC MEETING: | **August 25, 2004**, continued from August 4, 2004 |
| DATE OF PRE-APP: | February 18, 2004 |
| DATE OF TECHNICAL STAFF REVIEW: | July 14, 2004 |
| STAFF PLANNER: | William D. McCord, AICP, Development Services Administrator |
| TAX ID#: | 21-04-51-0000-120 |
| PARCEL SIZE: | 106.96 acres +/- |

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| LOCATION: | On the west side of North Monroe Street (US 27), east of Old Bainbridge Road and north of Perkins Road in Township 1 North, Range 1 West, Section 5 (Seller's Property) |
| ROADWAY ACCESS: | North Monroe Street(US27), a principal arterial, Old Bainbridge Road, a minor arterial and Skyview Drive (local street) |
| ZONING DISTRICT: | Lake Protection |
| FUTURE LAND USE: | Lake Protection and Residential Preservation |
| INSIDE/OUTSIDE URBAN SERVICES AREA: | Inside the Urban Services Area |
| ZONING PATTERN: | North: Lake Protection (LP)<br>South: PUD 32 (View Point Planned Unit Development<br>East: Lake Protection and Residential Preservation<br>West: Residential Preservation (Edinburgh Estates subdivision) |
| ADJOINING EXISTING LAND USES: | North: Single family residential<br>South: Single Family Residential<br>East: Single Family Residential, Multiple family residential, commercial (office) and vacant<br>West: Single family residential |
| PERMITTED USE VERIFICATION: | The Permitted Use Verification (PUV) certificate was issued on November 14, 2003 (VC030135)(attachment #1) |

**Office of Growth and Environmental Management Staff Findings:** The staff is generally responsible for reviewing site plan applications to ensure that the application meets the applicable requirements set forth in the Comprehensive Plan, Environmental Management Act, Zoning, Site Plan, and Subdivision Regulations and other provisions of the Land Development Code(Section 10 of the Leon County Code of Laws).

Pursuant to the review criteria identified in Section 10-840, Section 10-841, Section 10-915 (e) and Section 10-1480 Type "D" Review, the Office of Growth and Environmental Management findings are as follows:

**Procedures for official zoning map amendments (Article X, Section 10-840):**
Per Section 10-840 2. B. amendments to the official zoning maps may be initiated by the owner of the parcel subject to rezoning.

*Finding: The owner, Mary B, Sellers signed an affidavit provided with the rezoning application , the appropriate notices have been given of proposed public hearings, and a complete application has been provided.*

Section 10-840 F. states:

"No proposal for zoning district change or amendment affecting particular property or properties shall contain conditions, limitations, or requirements not applicable to other property in the district to which the particular property is proposed to be rezoned"

*Finding: The intention of the PUD is that unique design standards tailored specifically to the development shall apply. In such cases, each PUD will contain site specific design standards. The applicant is proposing specific design standards with the PUD. The PUD exceeds five acres in area.*

**Site Plan and Subdivision Review Criteria:** In deciding whether to approve, approve with conditions, or deny a site plan, the Development Review Committee shall determine, pursuant to Section 10-915 (e) and Section 10-852.2.C.(4), Type "D" Review:

(a) *Consistency with the comprehensive plan.* The proposed PUD district shall be consistent with the comprehensive plan.

(b) *Consistency with other ordinances.* The proposed PUD district shall be consistent with all other ordinances adopted by the county, including but not limited to applicable environmental and concurrency management ordinances.

(c) Consistency with purpose and intent of PUD district. An application for a PUD district shall include a narrative indicating how the proposed PUD district meets the purpose and intent of the PUD district, as setforth in subsection (a) of this section. The narrative shall specifically address the seven statements itemized in subsection (a). (Section 10-915 (a) (attachment #2)).

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## Comprehensive Plan Issues:

### Tallahassee-Leon County Comprehensive Plan, Future Land Use Element:

A portion of the site (southerly portion) is located in an area designated as Residential Preservation (RP) land use on the Future Land Use (FLU) Map of the Comprehensive Plan. This portion of the site must be developed consistent with this underlying land use. The Planning Department has determined the specific location of the portion of the property located within the Residential Preservation land use category as the area south of the north basin lines of the Perkins Road Closed Basin and the Old Bainbridge Road closed basin. (The basin line is shown on sheet No.CPUD-4 as the dotted line extending through the development site).

The adopted land use on the property is Lake Protection on an area designated north of the Old Bainbridge and Perkins Road closed basins (dotted line) line and Residential Preservation on the area south of these basin lines. Per the Comprehensive Plan, Residential Preservation land use is described as

> "characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Future development primarily will consist of infill due to the built out nature of the areas. Commercial, including office as well as any industrial land uses, are prohibited." "Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. Consistency with surrounding residential type and density shall be a major determinant in granting development approval." (also see zoning comments below).

On that portion of the property located north of the identified drainage basin lines the Comprehensive Plan, Lake Protection land use description states that:

> "Future development will not be subject to the limitations of the Lake Protection category if it can be demonstrated by competent scientific evidence that the development is located in a closed basin that does not naturally or artificially discharge to the larger Lake Jackson basin. Closed basins must be certified by a registered engineer to the effect that there are no artificial or natural discharges from it. All development within certified closed basins shall be approved through the PUD process, except that in the unincorporated Leon County a one into two residential lot split exemption shall be processed according to the established County procedures instead of the PUD process. Within the unincorporated portions of Leon County, stormwater generated by any development must either be retained on-site or filtered through an approved regional stormwater management system. Densities and intensities associated with the mixed use land use category shall be allowed as long as all applicable development standards outlined with the plan, matrix, and subsequent LDRs are met."

Under Lake Protection Land Use and zoning, any land in the lake protection district lying with a closed basin may be rezoned to another appropriate district by amendment of the official zoning map through the planned unit development process. The zoning language is similar to that of the LP land use but with distinct differences. Densities and intensities of development within a closed basin are limited to primary and secondary uses of the

Mixed Use A Future Land Use category, as defined in the comprehensive plan. Future Land Use policy 1.7.10 establishes and limits the amount of specific development types permitted in the Mixed Use A land use. Between 68% and 82% of the project site shall consist of primary uses such as low density residential, or low density residential office use development patterns; 25% or less as secondary uses such as medium density

residential, medium density residential office, village center and medical center use patterns; and 7% or less of Tertiary uses including urban pedestrian center, suburban corridor, or light industrial use development patterns. (Also see comments below regarding tertiary uses). However, tertiary uses are not permitted in the areas where Lake Protection zoning is changed to PUD zoning per Section 10-919. The existing Lake Protection (LP) zoning purpose and intent states:

> "Any land in the lake protection district lying within a closed basin may be rezoned to another appropriate district by amendment of the official zoning map through the planned unit development process. Densities and intensities of development within the closed basin are limited to primary and secondary uses of the Mixed Use A Future Land Use Category as defined by the comprehensive plan. In order to petition for such amendment, the potential applicant must demonstrate through presentation of competent scientific evidence certified by a registered engineer that all land affected is located entirely within a closed basin which does not naturally or artificially discharge into the Lake Jackson basin. Stormwater generated by any development must be either retained on-site or filtered through an approved regional stormwater management facility within the closed basin."

Tertiary uses are not permitted when changing from the Lake Protection to the PUD district. Commercial use shall fall under the Village Center development pattern and not the Suburban corridor pattern, per the Comprehensive Plan Objective 1.7, policy 1.7.10. (see policy 1.7.5. and policy 1.7.10.in attachment #3)

*Finding: Under policy 1.7.10 development intensity and uses would be limited to 12,500 square feet per acre. Per Section 1. B. and Section 3.I. of the land use standards described in the application narrative, up to 19,832 square feet per acre is proposed which exceeds the maximum permitted in the Village Center development pattern. Under the policy limitation no more than 75,375 square feet of a mixture of office and /or retail will be permitted within the GRO district.*

*Finding: The Comprehensive Plan and the proposed PUD zoning further requires that the mix of uses permitted in a PUD within this area meet the mix of uses required under a Mixed Use Land Use A as identified in the Future Land Use Element, Objective 1.7, policies 1.7.5 and 1.7.10 but because of the zoning language would exclude tertiary uses. This means that the applicant must reduce the square footage of the GRO-1 district to where no more than 74,375 square feet, or a maximum of 12,500 square feet per acre is permitted for non-residential uses.*

Only SR uses and correlated natural areas, open space and streets are designated within the RP land use portion of the site; while SR, MR-1 and GRO-1 and correlated natural area/open space and streets are located in areas with LP land use. If a time occurs that the

applicant is successful at changing the land use on portions of the development site, then the applicant could file for an amendment to the conceptual PUD on the affected parcels to designate them for a use consistent with the new land use.

*Findings: Other than the land use conflict mentioned above, the proposal appears to implement many development policies of the Comprehensive Plan, including but not limited to, the Future Land Use Element, Objective 2.1, Policy 2.1.1 (b) and (c),Policy 2.1.3, Policy 2.1.6, Policy 2.1.10, Objective 3.1, Policy 3.1.1, Policy 3.1.2 and Policy 3.2.1.*

*Finding: Based on the information provided in the Natural Features Inventory nearly all of the property now zoned LP lies within closed basins (north 2/3rd's of the site) and is eligible for the requested rezoning. Only a small portion of the property (approximately 8 acres) lies within the Lake Jackson Basin, yet this portion will be left undeveloped and set aside as a conservation area/natural area as indicated on the PUD site and development plan. The remaining portion (south 1/3 of the property) zoned LP is underlain by Residential Preservation land use and is eligible for rezoning to PUD, but this portion of the property is restricted to residential use.*

**Conservation Element:**

The property abuts Old Bainbridge Road to the west, a designated canopy road per the Comprehensive Plan and Land Development Code. The Comprehensive Plan contains numerous policies pertaining to access to canopy roads. The Planning Department previously indicated that access may not be permitted since alternative access is provided, via North Monroe Street and Skyview Drive. However, several policies may conflict with this assumption. These policies listed in the Conservation Element, include Objective 3.4, policy 3.4.4 which states:

> "Prohibit new subdivisions and development that would allow development to occur within 100 feet of the centerline of a canopy road without the express approval of the local government. No clearing may occur in the canopy road (cpz) (100 feet from the centerline of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public … as approved by the local government…", and

Policy 3.4.5 which states:

> "Mitigation requirements shall be established and utilized to condition approvals for those projects which intrude on the area within 100 feet of the centerline of a designated canopy road", and

Policy 3.4.6. which states:

> "Prohibit subdivision of property along canopy roads which would require the significant increase of driveways to provide legal access to newly created parcels", and.

Policy 3.4.8. which states:

> "Integrated access will be required for new subdivisions along canopy roads", and

Policy 3.4.9. which states:

"Land uses which generate or attract large volumes of traffic shall be discouraged along designated canopy corridors", and

Policy 3.4.10. which states:

"Medium and high density residential , commercial, and office uses will be allowed on designated canopy roads only where there is alternative access to a road other than a canopy road" and

The Transportation Element, Objective 1.6, policy 1.6.3 which states:

"Encourage the interconnection for vehicular and pedestrian traffic between adjacent, compatible development" and

Policy 1.6.4. which states:

"Encourage the interconnection of vehicular or 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." and

The land use matrix of the Future Land Use Element provides a note stating:

Primary access to canopy roads permitted only when alternative access to canopy road is unavailable. Primary access shall be restricted to one driveway designed to mitigate impacts. Planned Development required for approval.

The FLUE , Environmental Overlay, Conservation criteria(h) (Page I-32)does not contain language that prohibits connection to canopy roads when alternative access is available (attachment #4).

**Concurrency (Section 10-140):**

No Preliminary Certificate of Concurrency has been issued for the proposed conceptual PUD. A Certificate of Concurrency will be required for the project before final approval. If the conceptual plan is approved, it does not vest the project for transportation concurrency. The traffic report may need to be revised based on changes to the PUD site plan (i.e. eliminated the office component, reconfigured the commercial component and increased the single family component). Attached is a memorandum explaining the existing concurrency issues. (Attachment# 5).

*Finding: No certificate of concurrency has been issued for the project rezoning. Should the PUD rezoning with conceptual plan be approved, then it should be approved simply as a rezoning approval and shall not be vested for concurrency purposes. Concurrency must be met at the time of consideration of a final development plan. Under Section 10-841 (5) the applicant has the option of providing an affidavit waiving concurrency requirements. However, no such affidavit has been filed.*

## Article X, Zoning:

**Zoning issues (Section 10-915):**
The property and proposed development site is currently located in the Lake Protection zoning district. Lake Protection zoning permits limited uses, including low density residential and passive recreation uses. Low Density residential uses are limited to one unit per 2.0 acres or 1.0 unit per acre where clustering is applied. Townhouses, mobile home parks, community services, and minor office and commercial uses are permitted with a special exception permits approved by the Board of County Commissioners.

As described above, the existing Lake Protection (LP) zoning purpose and intent states:

> "Any land in the lake protection district lying within a closed basin may be rezoned to another appropriate district by amendment of the official zoning map through the planned unit development process. Densities and intensities of development within the closed basin are limited to primary and secondary uses of the Mixed Use A Future Land Use Category as defined by the comprehensive plan. In order to petition for such amendment, the potential applicant must demonstrate through presentation of competent scientific evidence certified by a registered engineer that all land affected is located entirely within a closed basin which does not naturally or artificially discharge into the Lake Jackson basin. Stormwater generated by any development must be either retained on-site or filtered through an approved regional stormwater management facility within the closed basin."

Tertiary uses (Urban Pedestrian Center, Suburban Corridor, and Light Industrial development patterns) are not permitted when changing from the Lake Protection to the PUD district. Therefore, the commercial use shall fall under the Village Center development pattern and not the Suburban corridor pattern per the Comprehensive Plan Objective 1.7, policy 1.7.10.

Under PUD zoning the site must be reviewed and approved in accordance with Article X, Division 6, Section 10-955 and Article X, Division 5, Section 10-915 including approval of a conceptual plan complying with the development standards described in subsection (d).

*Finding: The LP and RP Land Use category areas are eligible for PUD zoning as described on Page I-27 of the Future Land Use Element. The existing LP zoning overlaying the RP land use is consistent with the land use map, but uses other than low density residential land use would not be consistent. The Comprehensive Plan and the proposed PUD zoning further requires that the mix of uses permitted in a PUD within this area meet the mix of uses required under a Mixed Use Land Use A, as identified in the Future Land Use Element, Objective 1.7, Policy 1.7.10, with the exception of tertiary uses as specifically restricted when applying the PUD zoning in the LP land use.*

*Finding: Based on the information provided by the applicant for the Natural Features Inventory and provided with this application, approximately two thirds (2/3rd's) of the property now zoned LP lies within closed basins and is eligible for the requested rezoning. Only a small portion of the property (approximately 8 acres) lies within the Lake Jackson Basin, yet this portion will be left undeveloped and set aside as a conservation area/natural area. The remaining portion(approximately 1/3 of the site) is zoned LP, underlain by Residential Preservation land use, and is eligible for rezoning to PUD, but this portion of the property is restricted to residential use.*

*Finding: The requested Planned Unit Development (PUD) Zoning is consistent with the intent of the existing Lake Protection (LP) and Residential Preservation (RP) land use, and is appropriate for consideration for this property. PUD zoning is further advised and is appropriate for this site, as it complies with the description of LP zoning as it applies to this site as described in the Comprehensive Plan (Future Land Use Element page I-26-I-27). Under the requirements/provisions of the Comprehensive Plan and Section 10-955 of the Land Development Regulations, as implied by LP zoning, where an area qualifies for or requires a PUD because of specific environmental conditions on the property, additional review necessary for a PUD is required. The RP land use portion of the site is eligible for the PUD but, for that portion underlain with RP land use, only low density residential use and recreation uses are permitted.*

**Development Standards:**

Since a rezoning from Lake Protection Zoning to Planned Unit Development zoning is proposed, specific development standards are created as part of the planned unit development (PUD internal zoning). The applicant has proposed three specific internal zoning districts within the PUD. Different standards will apply to single family, multiple family and general retail/office development. These includes four single family districts (SR-1, SR-2, SR-3 and SR-4), a multiple family district (MR-1), and a General Retail and Office district (GRO-1). The following design criteria are proposed for each internal zoning district:

| Internal PUD District* | SR | MR | GRO |
|---|---|---|---|
| Minimum Lot Area | 6,000 sq.ft | N/A | None |
| Minimum Lot Width | 50 feet | N/A | None |
| Minimum Lot Depth: | 70 feet | N/A | None |
| Minimum Lot Frontage: | | | |
| Minimum Building Setbacks: | | | |
| Front ** | 15 feet | 25 feet | 25 feet |
| Side Corner | 10 feet | 15 feet | 25 feet |
| Side | 10 feet | 15 feet | 15 feet |
| Rear | 15 feet | 25 feet | 15 feet |
| | | | |
| Maximum Building Size: | N/A | N/A | 15,000 Sq.ft/acre *** |
| Maximum Building Height | 2 stories | 3 stories | 2 stories |

* See Specific standards identified in Exhibits B,C, and D of project application narrative.
** Front setbacks for buildings should not result in a design that would permit vehicles to block pedways and sidewalks.
*** Per Comp Plan policy 1.7.10 only 12, 500 sq. ft./acre is permitted within the Village Center development pattern

*Finding: The GRO is located within the LP land use portion of the site and only single family, natural area and open space and rights-of-ways uses exist over the RP land uses portion of the site.*

*Finding: There are several general site plan data inconsistencies on Sheet CPUD-4 data as indicated in the footnotes.*

**Commercial Site Location Standards (Section 10-922):**

Only minor office and minor commercial uses approved by the Board of County Commissioners are permitted in the current LP zoning district. Minor commercial uses must be located within 330 feet of the intersection of a local and arterial street; and may be located within a planned unit development, provided it is located and designed to meet commercial needs of the majority of residents of the development and, if on a local street, only one quadrant of the intersection shall be used for commercial purposes. Further commercial/office uses shall comply with the Village Center development pattern standards of the Comprehensive Plan since in this area only primary and secondary uses of the Mixed Use A land use are permitted. No tertiary use development patterns are permitted (i.e. Suburban development patterns) Since the Village Center development pattern is the type commercial development pattern permitted in this area, the intensity of development within the GRO-1 district shall be limited to no more than 12,500 square feet per acre (see discussion above). Under PUD zoning, the applicant may propose and the Board shall establish such limitations consistent with Comp Plan policies.

*Findings: The plans and application narrative indicate that the site will contain in excess of 12,500 square feet of commercial/office square footage per acre. Since only the*

*Village Center development pattern would be permissible in the PUD for commercial uses, the square footage of buildings to be constructed in the GRO-1 district will need to be reduced. This will affect general Site Data table on plan sheet CPUD-4 and narrative Section 3.I. Exhibit D (GRO-1 District Intent) indicates no more than 11,302 square feet per acre which is consistent with the Village Center development pattern.. The total square footage should not exceed 12, 500 square feet per acre.*

**Buffer Zone Standards (Section 10-923):**
A type "A" buffer is required along the exterior of the site where single family uses will abut single family uses. A Type "B" buffer is required where single family uses abut multiple family uses; and either a Type "B" or Type "C" buffer (depending on whether a buffer fence is included in the buffer) is required between residential and commercial uses.

*Finding: Plan sheets indicate required buffers along the north and south boundaries of the property. Interior buffers are specifically identified, including a Type B (15'buffer between single family and multiple family uses), a Type B buffer between multiple family and commercial uses and a Type A buffer between single family and exterior single family uses. A PUD may establish its own buffers for interior uses.*

**Conservation/Preservation Area (Sections 10-953, 973, & 974):**
The proposed development must comply with all applicable regulations pertaining to conservation and/or preservation areas (Article VII of the Leon County Land Development Code, and the Conservation and Land Use Element of the 2010 Comprehensive Plan) if the environmental analysis identifies any preservation and/or conservation areas on the subject parcel. The site and development plan must clearly indicate significant environmental features or constraints located on or adjacent to the subject property, and ensure that the proposed site and development plan accommodates these features.

There are many conservation features on the site that require protection or mitigation. These are further identified in the reports from the Environmental Compliance Division. Some of these items are identified in other portions of this report including buffers, landscaping, and canopy road protection requirements. At the time of pre-application review and technical staff review, staff received numerous comments concerning the use of portion of the property as a turtle (wildlife) migration route from Lake Jackson to Little Lake Jackson. Some of these citizens requested that a specific and significant conservation area be established along the northerly portion of the property boundary in order to accommodate wildlife habitat and migration. Where applicable, impacts on threatened or endangered species must be addressed in the Environmental Impact Assessment report (Section 10-346 (3)). Designing the site to provide for viable wildlife habitats as part of the required natural/open space is highly encouraged and preservation of critical areas identified in the Comprehensive Plan and land development regulations is required. Please also refer to any comments from the Environmental Compliance Division. Since a complete environmental analysis is not required as part of the conceptual plan approval, at the time that final plans are submitted, proposed

improvements shown on the conceptual plans may need to be moved to comply with the Environmental Management Act, and the conceptual plan design could change substantially.

*Finding: A Natural Features Inventory for the project has been approved by the Environmental Compliance Division and is included in the narrative application as Exhibit A. An Environmental Impact Analysis has been submitted but not approved. Staff provided initial comments on this report by letter dated June 25, 2004 to the applicant. The site plan may need to be amended to address these issues. No EIA has been approved for this development site. There are a number of environmental features on the property that require detailed review and analysis including closed basins, wetlands, significant slopes, protected trees, floodplains, areas exhibiting active karst features, impacts to Old Bainbridge canopy road zone and impacts to protected, endangered or threatened wildlife. (Also see comments from the Environmental Compliance Division).*

The Environmental Management portion of the land development code requires the preservation of natural features and landscaping. Up to 25 percent of each component of the PUD (MR and GRO districts) must be preserved as natural area and/or landscaping area. According to the Land Use Plan (Sheet CPUD-4) submitted with the application, natural area represents 12.60 acres of the site consisting of 38.02% of the MR-1 zoned areas. This appears to be inconsistent with the map sheet (CPUD-4) which indicates that open space represents 23.23 % of the site according to the plan sheet (CPUD-4 and application narrative) of the total PUD site. It appears that some of the Natural Area is also counted as open space (significant slopes and southern wetland, about 5.86 acres). The plan does not provide a break-down of how much of each of these proposed internal zoning districts and development sites within each district are contained in open space.

*Finding: The MR-1 and GRO-1 zoning districts within the PUD do not appear to individually provide the 25 percent required open space.*

*Finding: A tree survey and tree listing (Plan sheets CPUD-7 through CPUD-12) was provided with the application. The sheets do not appear to provide accurate information that would allow one to determine actual tree location and number of trees. The tree numbering system often is duplicated the tree number identification does not match data provided with earlier submittals. At the previous DRC meeting, one area resident provided a letter indicating that not all trees are identified or correctly located on the plan sheets. This also appears evident from observing aerial photographs. Based on these inconsistencies it is difficult to determine whether Article XI, Division 5, Section 10-1534 is met. Also it appears that data provided in the latest submittal indicates that patriarch trees would be impacted by the design.*

Per Section 10-915 (d)(1) a. and 10-915 (a) (5) open space/parks are required within the PUD.

*Finding: The plans indicate that the multiple-family residential portion of the site will contain a clubhouse with pool but other recreation facilities are not shown. Recreation facilities to serve the complete PUD should to be indicated on the plans.*

**Canopy Road Overlay District (Section 10-957 and Section 10-972):**
The property is adjacent to a designated canopy road (old Bainbridge Road). Canopy road protection and design criteria will apply to an area 100 feet wide area measured from the centerline of the road and restrictions on the use of the area will apply. A conservation easement shall be required to ensure protection of the canopy road zone. Limited uses as identified in the Comprehensive Plan Future Land Use Element, Environmental Overlay Development Criteria (h) and the Conservation Element, Objective 3.4, policy 3.4.4 shall be permitted within the canopy road protection area, and within the easement, with the approval of the Board of County Commissioners. This could include a street connection and sidewalk within the canopy road protection zone. The conservation easement overlaying the canopy road protection zone should specifically authorize the development of a pedestrian way within the canopy road protection zone, where necessary, if the sidewalk cannot be constructed in the right-of-way. (Also see comments from Environmental Compliance).

As described above, the Comprehensive Plan includes many policies related to development impacting canopy roads (see page 6 above). Somewhat in contrast to the direction of the Comprehensive Plan, Article X, Division 6, Section 10-972 (7) states:

> "If the site is accessible by roads other than the canopy road, it shall not have direct access to the canopy road."

Article VII, Section 10-293 (f) contains similar language by prohibiting underbrush or other vegetation clearing in a

> "canopy road protection zone, except when approved for legal access (provided no alternative exists) or for the health, safety or welfare of the public..." and

Section 10-314 (b)(4)d.3. contains similar language when in compliance with Section 10-972 (c).

These policies do not specifically prohibit the street connection to Old Bainbridge Road but in many respects may encourage it. The area where the street connection is proposed to Old Bainbridge Road is one of the single family residential components of the PUD, not the higher density multiple family residential portion. The multiple family residential portion of the site will have primarily access to/from North Monroe Street (US 27).

Other Subsections contain language not contained in the Comp Plan, including the requirements to provide a full analysis of the impact on the canopy road at the time of development review. This apparently has not been done. The proposed street connection to Old Bainbridge Road would be an important access way to/from the development to better distribute traffic and reduce potential impacts on US 27, and to a lesser degree on

other area roadways. The submitted traffic report and concurrency analysis would have to be reevaluated if the connection to Old Bainbridge Road were eliminated.

This property has access to two other streets; but the comp plan language and code language appears to allow for a canopy road connection, even if other access is available, if it in the best interest of the public "health safety, and welfare". In this case the determination should rest with the Board of County Commissioners as part of the PUD approval. The canopy road citizens committee reviewed the project on July 19, 2004 and recommended denial of the street connection. (see attachment #11)

*Finding: The project would impact the canopy road which, if permitted, must be approved by the Board of County Commissioners as implied by the Comprehensive Plan and Article X, Division 6, Section 10-972 (c)(3).*

**Special Roadway Setbacks (Section 10-1107):**
All development within the PUD shall setback at least 100 feet from the centerline of Old Bainbridge Road per the Comprehensive Plan and Section 10-972 (see attachment #4), Section 10-293 (g), Section 10-314 and Section 10-1806 and at least 51 feet from the centerline of US 27 per Section 10-1107(b)(2).(Also see canopy road comments below). Further, the Comprehensive Plan, Transportation Element, Objective 1.3, policy 1.3.1 establishes future right-of-way needs for Planning Purposes (see attachment # 6).

*Finding: The proposed building setbacks are similar to other uses with site specific zoning districts for these uses. The final development plan shall be reviewed to ensure that the application narrative Section 7.D. 8 (Landscaping and Buffering) does not contain inconsistencies with proposed setbacks from the rights-of-way.*

**Parking and Loading Requirements (Article X, Division 7):**

Parking facilities are required for a variety of uses within the proposed PUD. Two parking spaces are required for each single family unit and three spaces for four bedroom or larger single family homes. At least 2.5 parking spaces per multiple-family unit is required, and handicapped parking for the multiple family units is required. This requires at least 780 spaces not including handicapped spaces. Specific office and commercial use parking have not been identified in the conceptual plans, but will be determined at time of final development plan review for these portions of the development site. Bicycle parking spaces must be shown for the multiple family residential units per Section 10-1028.

*Finding: The parking space locations are graphically indicated on plan sheets but no parking data table is provided describing the total number of spaces including visitor spaces or handicapped spaces. No bicycle parking has been identified on the site plan.*

**Accessory Structures (Article X, Division 8, Supplementary Regulations) Section 10-1102:**

The only accessory structure proposed at this stage of the conceptual site plan is an approximate 5200 square feet clubhouse to serve the multiple-family residential portion of the development. The club house will include recreational features including a swimming pool. A lift station would also be provided in the tract that will contain stormwater retention pond No. 4.

*Finding: Only a clubhouse with swimming pool is proposed as an accessory structure and use on the development plan. The clubhouse will be constructed as part of the apartment complex. A lift station would be constructed on a tract designated for Stormwater facility No. 4 . No other accessory structures are indicated on the plan sheets except a lift station.*

## Article XI. Substantive Criteria and Site and Development Plan Regulations.

**Permitted Use Verification (Section 10-1477):**

A Permitted Use Verification Certificate VC030135, was issued on November 14, 2003. (see attachment #1)

**Conceptual Plan Standards. (Article XI, Division 4, Section 10-1480.3) (Also Section 10-915 (d).**

The requirements for a conceptual PUD plan are described in the referenced sections. The applicant has provided a multiple plan sheet set and a project narrative with the application in order to demonstrate compliance with the PUD standards. The narrative contains inconsistencies with the plan sheets and formatting errors (i.e. some exhibits referred to are not provided in the report, other items are not properly labeled, and acreages listed in the report do not match acreages and percentages used in the plan set).

No Exhibit G (typical street cross section (Section 3. X. of the report)) was provided, and the build out date is not explicitly identified, yet a concurrency reservation period of 10 years is mentioned. A preliminary certificate of concurrency has not been granted for the development.

It is also difficult to determine the total acres devoted to each land use. Portions of the Natural Area and Common Area appear to be included in one or more of the internal zoning districts, but it is difficult to determine which portions of these areas are shared with which portions of these zoning districts (i.e. some of the natural area is in the SR district, some in the MF district, etc.). Some open space and natural areas are shown as not being located within any internal district. Many of the comments presented at technical review have not been adequately addressed with the revised DRC application submittal.

The Leon County Board of County Commissioners (LCBCC) is responsible for establishing development standards per Section 10-915 (a). The applicant has proposed development standards for each component of the PUD and created specific use districts within the PUD (see Section 3. M. and Appendix B, C, and D of the Application narrative) including "MR" zoning (medium density residential), "GRO" (general retail office) zoning, and "SR" zoning (single-family residential) zoning. The PUD also includes open space areas, natural area preservation areas, and rights-of-way uses within and outside each of the internal districts. This makes it confusing to determine acres and percentages of land assigned to each district necessary to meet minimum open space requirements. The open space area primarily consists of buffers between the different land uses and adjacent to existing development, and the natural area is comprised of environmentally sensitive areas such as wetlands, tree protection areas, significant slopes and protected drainage basins. The plan should consider specific design criteria listed in Chapter 10, Article XIX (Leon County Quality Development Program) and may qualify as a quality development if a developer's agreement is approved per Section 10-2105.

*Findings: Development standards proposed in the narrative and listed in the appendix should match and maximum densities or floor areas and should also not exceed the mathematical square feet ratio per acre (See Section 3 I. and plan sheet CPUD-4. Section 3.I. of the project narrative and plan sheet CPUD-4 contain discrepancies in permitted intensity of commercial square footage of buildings permitted under the limitations imposed by internal zoning and land use in that the Village Center development patterns, which overlays the GRO-1 internal district, will only permit up to 12, 500 square feet per acre and the table on sheet CPUD-4 needs to classify open space and natural areas within one of the three districts and provide a tabulation of the acres and percent of the district containing open space.*

**Substantive Standards and Criteria (Article XI, Division 5):**

This portion of the code contains important information concerning detailed design requirements for site plans and subdivisions including required buffers, impacts to canopy roads, street layout and block size limitations, utilities and utility easements,

stormwater facilities, traffic circulation including vehicular and pedestrian access, and other general design requirements. These are considered similar to the requirements necessary for complying with preliminary plat standards. Some of these items could be depicted on the plans by plan notes.

The plan sheets need to address specific design criteria of Article XI, Division 5, and in particular Section 10-1527, Section 10-1534 and Section 10-1535. Proposed pedestrian facilities, as shown on sheet CPUD-5, comply with the requirements of this Division. The street connecting Old Bainbridge and North Monroe should be considered a connector road per Section 10-1527 (f), Section 10-1, definition of *connector road*, and Section 10-1527 (l)(8). Bike lanes should be considered along this street and sidewalks with landscaping will be required. The site plan needs to be amended to ensure compliance with Section 10-1534 to correctly identify all protected trees and incorporate

them into the site design as described above. Several patriarch trees would require removal with the lot layout and site design.

Identifying the name (title), use, ownership and maintenance responsibility of common areas should be displayed both on the plans and as plan notes on appropriate pages. Since the specific impervious lot coverage of the PUD is only conceptual at this stage, an estimate of lot impervious coverage should be identified so that adequate stormwater facilities can be designed as part of the conceptual development plan.

**Utility Service Plan:** Electricity will be provided by Talquin Electric Cooperative. Talquin Central Water/Sewer will provide all water and sewer service. This site and development plan will be a private subdivision. The proposed utility system is depicted on sheet CPUD-6.

*Findings: The plan sheets do not provide complete or sufficient graphic or narrative information necessary to comply with the requirements of this division.*

**Platting Requirements (Article XI, Division 6):**
The PUD will require platting per this Division. Since private facilities (retention, roads, common area tracts and other open space) are proposed, specific language will be required per the code to address this ownership and maintenance responsibility (Section 10-1560). The total PUD should be prepared as one plat.

*Findings: Upon approval of a Final Development Plan, a Final Plat will need to be prepared, approved and recorded, complying with County requirements and consistent with the conceptual Development Plan, prior to the sale or transfer of properties within the PUD.*

**Code consistency and findings, Section 10-915 (e) (1)-(3) and Section 10-1480.4.**
The application and conceptual plan shall comply with all provisions of Section 10-915 (e) tied to the rezoning and with Section 10-915 (d)(1) and with Section 10-1480.4 pertaining to the portion proposed for conceptual site plan approval, including all applicable design requirements listed in Article XI, Division 5 . As mentioned above, the plan should, to the greatest extent possible, incorporate the Leon County Quality Development design and use criteria when finalizing design/redesign of the plan.

The plan set and narrative contain deficiencies that need to be addressed by the committee (DRC) as conditions of approval or as amendments to the plan in order for the DRC to make a finding that the plans comply with the Comprehensive Plan and code. These deficiencies include:

a. The plans should address all items identified in the Type "D" Review Checklist provided at the Technical Review meeting and as marked on the red-lined marked copy of plans provided at Technical Review.

b. The Environmental Impact Assessment (EIA) has not been approved by the Environmental Compliance Division. The EIA application received by the Environmental Compliance Division has been reviewed and comments were provided to the applicant in a June 25, 2004 letter. The site and development plan must clearly and properly indicate significant environmental features or constraints located on or adjacent to the subject property, and ensure that the proposed site and development plan accommodates these features. To ensure compliance with the Comprehensive Plan the applicant will need to provide competent scientific evidence indicating that the development is located in a closed basin(s) that do not naturally or artificially discharge to the larger Lake Jackson Basin. Environmental Compliance staff will have more comments on this issue.

c. The Project narrative needs to be revised to provide consistency with the submitted plans. This includes consistency between the plan set and the narrative for the number of single family units and numeric acreage and the percentage of acreage allocated for each land use. Total acreage in each of the districts/land use standards should be provided for consistency.

d. A legend and plan notes should be provided on each plan sheet.

e. Section 3. U. of the narrative indicates that there are six separate stormwater management facilities. Drainage easements between lots and different components of the development need to be shown (see Section 10-1527). No existing drainage facilities or plan notes indicating future easements are shown on the utility concept sheet. The plans need to show the existing water and sewer lines, power lines, etc. that will serve the site. Identify all sewer and water lines exist in the area where this project's utilities will connect. (Section 1. E.g.). Section 3.U. also lists the stormwater management facilities, but the drainage basins contributing to these stormwater ponds is not clearly indicated on any of the map sheets or exhibits.

f. Off-site transportation improvements may be required as a condition of plan approval in order to comply with concurrency requirements. This may include off-site improvements other than the turn lanes at street intersections leading to the development.

k. Project narrative, Section 6, paragraph 3 should to be amended. Recreation facilities must be addressed with the PUD per Section 10-915 (a) and (d) (1) a.

l. How will the site be designed to preserve trees? It appears many patriarch trees and other large trees are proposed to be removed or could be removed with the development of individual lots. Since the tree survey, information has changed and is suspect.

m. Access to Old Bainbridge Road (canopy) road is an issue that will require findings by the DRC and Planning Commission prior to final decision by the Board of County Commissioners. The mitigation area for that portion of the canopy road connection needs to be addressed in the conceptual plan.

n. Staff has received numerous letters from the public over the course of project submittals concerning environmental impact on wildlife which use of the property and particularly on the west (north) side of the property. The plan narrative and EIA should address this issue.

The recommendation of approval with conditions is based on the following *findings*:

*(a) The applicants request is for a rezoning with conceptual site plan. The proposed plan of development is intended to promote more efficient and economic uses of land by providing a mix of land uses and intensities. The proposed PUD and rezoning can be consistent with the Comprehensive plan if changes are made to the plan sheets and project application narrative to reflect Comprehensive plan goals, objectives and policies including limitations on commercial square footage on the commercial component of the project, protection of environmentally significant portions of the site and consistency with concurrency standards, including a waiver of concurrency.*

*(b) The project will provide for a variety of consumer preferences and should result in uses which will reduce external trip generation from the site as a percentage of total trips generated from the site than if developed under the existing zoning. The site can be designed to preserve significant environmental features while providing access to existing social and recreational facilities in the area. This can be accomplished by preserving open space and natural features and also by providing recreation opportunities and alternative forms of access to and from the site. The internal design of streets pedestrian ways and utilities should afford the developer with efficient development patterns that may lower the cost of the housing product and provide private facilities which will not be the responsibility of public entities. The plan can provide for consistency with ordinances related to land development by ensuring completion of an*

*Environmental Impact Assessment at the time of Final Development Plan submittal, and if necessary, the reconfiguration or relocation of proposed improvements and mitigation of the area transportation network to accommodate site generated traffic necessary to comply with concurrency requirements. The project application is primarily for purposes of rezoning the property, and as such, should not be required to undergo a full environmental impact assessment, until such time as final development plans for any component of the development site are provided. Further Section 10-840.2. I. 4 states that "an environmental analysis as required pursuant to the "Environmental Management Act" is optional." However, Section 10-841 (4) indicates that "an environmental analysis is required per Article VII. The specific level of environmental analysis is not described.*

*(c) The rezoning and plan of development will provide for a variety of development types including residential units and small scale commercial development complimentary to the site and area uses. The project will contain exterior and interior landscape buffers and on-site stormwater treatment facilities that will enhance water quality on the site and protect the Lake Jackson basin. This development as generally described in the project narrative complies with the purpose and intent of the PUD district as described in Section 10-915 (a)(1-7) of the Leon County Land Development Code. The applicant has provided the required PUD project narrative report and Section 6 of the narrative specifically describes compliance with the purpose and intent of the code.*

## Growth and Environmental Management Recommendation:

The Office of Growth and Environmental Management recommends approval with conditions of LSP 040038, rezoning with conceptual site plan for the Summerfield Concept Planned Unit Development, consisting of 12 page a project application narrative dated August 16, 2004 and a 13 sheet conceptual site and development plan, with plan sheets numbered CPUD-1 through CPUD-13 , dated August 16, 2004, prepared by Allen Nobles and Associates, Inc. of Tallahassee, Florida, with project number 4444.001.

The recommendation is based on the above findings and required revisions to the plan as listed below.

*1. The conceptual site plan is subject to minor modifications necessary to comply with the Environmental Management Act. Boundaries of the Natural Area, Open Space, streets and sidewalks and the individual land uses and lots boundaries are subject to change as a result of requirements of the Environmental Management Act. Such modifications shall be determined at the time of Final Development Plan review and may result in the reduction of lots, reduction in the number of multiple family dwelling units, relocation of streets, and retention areas, lot re-configuration, re-positioning of multiple family structures, and modifying the location of utilities and proposed private facilities.*

*2. To comply with tree preservation requirements lot boundaries and other improvements may have to be moved to save trees, and in particular patriarch trees.*

*3. All natural area and open space areas shall be designated for one of the three internal zoning internal districts and ratios and acreage clearly identified for each of the MR-1 and GRO-1 districts.*

*4. A Canopy road connection permit will be required and approval of a canopy road street connection to Old Bainbridge road must be approved by the Board of County Commissioners. The pedestrian easement through the canopy road corridor shall also require approval by the Board of County Commissioners.*

*5. The plans shall be modified to indicate the location where the canopy road mitigation area will occur.*

*6. All plans sheets, or at a minimum Sheet CPUD-4, shall be revised to indicate adjacent parcel numbers and uses.*

*7. Correct the total number of lots in the SR-1 area to indicate 67 lots on plan sheet CPUD-4 and provide a total listing of number of lots (176) lots. The plan narrative Section 3.C. also must be changed to indicate the correct number of lots. (This will also change the density for the SR-1 area.)*

*8. in order to comply with the comprehensive plan no more than 12,500 square feet per acre of commercial/office square feet is permitted in the GRO-1 district. Sheet CPUD-4, project narrative Section 1. B. and Section 3. I., and Exhibit D and will need to be revised to reflect this intensity limitation necessary to comply with the Comprehensive Plan. As now indicated, no more than 74,375 square feet of office/commercial floor area could be developed on the 5.95 acre GRO-1 district.*

*9. The last sentence in narrative Section 1. B. should be revised since the project does not have concurrency approval. The applicant may apply for a waiver by filing an affidavit acknowledging the concurrency waiver.*

*10. Section 1. D. should be amended to remove reference to "duplex residential areas" and should instead reference general retail, office and commercial area.*

*11. The Conceptual Site and Development Plan should be specifically referenced by Exhibit.*

*12. Section 2, Definitions should be revised to include a definition for "Natural Areas".*

*13. Sheet CPUD-4, General Site Data table indicates that 38.02% of the MR-1 district is composed of Natural area, but he plan sheet indicates only 34, 632 square feet of the 1,183,979 square feet of the district as containing natural area. This must be changed to reflect the correct percentages.*

*14. According to the Plan sheet no natural area is within the GRO-1 area although the table indicates that there is.*

*15. The total square feet indicates on the plan drawing for natural area is 583,385 (13.39 acres) while the table indicates 12.60 acres or 548,753 square feet. The plan and narrative must be corrected for consistency.*

*16. Areas identified as open space are also indicated as natural area. The definition for natural area may preclude active recreation uses.*

*17. Section 3. U paragraph # 3 (SWMF no. 2) should be revised to delete reference to office/residential use and instead identify general retail/office.*

*18. Section X. refers to an Exhibit G which contains a cross section of the street(s). No exhibit or plan sheet was provided with this information. Provide a cross section as an exhibit on as an insert on Sheet CPUD-5.*

*19. Delete reference to Final Development Plan in Section 4. of the narrative.*

*20. Section 3. X. paragraph 3 should be amended to allow for the sidewalk to be placed within the right-of-way of Old Bainbridge Road as well as within the 100 feet wide canopy road protection zone.*

*21. Section 5, Paragraph 2 indicates that this development will allow for an alternative housing so that persons will not have to travel to Gadsden County for residency. No factual information is provided to indicate this. This is conjectural and does not validly address the PUD purpose and intent.*

*22. Section 6, item #3 should remove reference to private roadways since the roadways within the development will be private and used by residents and clientele of the development site.*

*23. Sheet 2 of 2 of the NFI is not provided in Exhibit A nor does it appear that other portions of the NFI report are provided.*

*24. Plan Sheet CPUD-3 should provide a legend indicating what the lines and polygon patterns within the project site represent. Parcel boundary lines of all parcel boundaries adjacent to the site should be shown on all plan sheets.*

*25. On Sheet CPUD-4, indicate the total number of single family residential lots in the General Site Data table.*

*26. On sheet CPUD-4 not all open space or natural area is allocated to one of the three district and some open space is also designated as natural area (see comment # 3 above).*

*27. On sheet CPUD-4, plan notes should be provided indicating the size, ownership, use and maintenance responsibility of each common area and natural area tract.*

*28. Clearly label the dotted line as not only Residential Preservation land use south of the line but Lake Protection land use north of the line.*

*29. Provide a legend for Sheets CPUD-4 and CPUD-5.*

*30. On sheet CPUD-6 indicate where easements overlaying sewer and water lines will be provided or provide a plan note indicating that private rights-of-way and portions of the parking lots will provide a blanket utility easement.*

*31. Many of the trees listed in the tree survey sheet (CPUD-8)are listed twice particularly those tree numbers 1311, 1312, 1313, 1316 and those numbered between 1457 and 1492 and 1525. The survey appears markedly different than previous submittals (i.e. what happened to the 100" oak?). Correct the tree survey sheets.*

*32. Many trees including patriarch trees will be impacted by the proposed layout of the development (including a 70' oak, 58' oak, 74" oak, 50" oak, 64" oak, 59" oak, 52" oak, 48" oak, 49' oak, 57" oak, 49" oak and others) or will be adversely impacted when single family houses are built. The plan should be modified to save more trees consistent with Section 10-1534.*

*33. Provide an affidavit waiving concurrency for this rezoning with conceptual site and development plan.*

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**Responses to Notification:**

262 notices mailed
10 responses returned
4 returned as undeliverable
(as of August 24, 2004)

**Attachments:**

| | |
|---|---|
| Attachment #1 | November 14, 2003 Permitted Use Verification Certificate |
| Attachment #2 | Article X, Division 4, Section 10-915 Leon County Land Development Code |
| Attachment #3 | Objective 1.7.10 and 1.7.5 Tallahassee-Leon County Comprehensive Plan |
| Attachment #4 | Except from the Tallahassee-Leon County Comprehensive Plan (Page I-32) |
| Attachment #5 | July 26, 2004, August 3, 2004 memorandums from Brian Waterman, Transportation Planner |
| Attachment #6 | Objective 1.3, Tallahassee-Leon County Comprehensive Plan |
| Attachment #7 | August 24, 2004 Memo and Addendum to Memo from Clay Carithers, Environmental Review Supervisor |
| Attachment #8 | Letters from Citizens received in response the DRC mailout received after August 4, 2004 DRC meeting |
| Attachment #9 | Report from Aquifer Protection |
| Attachment #10 | August 2, 2004, letter from Tricia Gwaltney, Program Specialist, Leon County School Board |
| Attachment #11 | July 19, 2004 Canopy Road Citizen's Committee Meeting Minutes |
| Attachment #12 | Tallahassee-Leon County Planning Department Comments |

G: Growth Management\Bill\Summerfield\DRCII

# LEON COUNTY
# PERMITTED USE VERIFICATION
# CERTIFICATE NUMBER: VC030135

ISSUED TO:
Name: ALLEN NOBLES & ASSOCIATES, INC.
Address: 2844 PABLO AVENUE TALLAHASSEE, FL ,

Phone #: 850-385-1179

Project Acreage: 108.00
Zoning District.: LP
Parcel Tax ID#..: 2104510000120

~~Attachment # 1~~
~~Page 1 of 1~~

Mixed Use P.U.D.

----------COMMENTS----------

1: The 108 acre parcel is located in the Lake Protection (LP) and Residential Preservation (RP) land use catergories and the Lake Preservation (LP) zoning district and is inside the Urban Services Area (USA). The densities and intensities of land uses permitted in these land use categories and zoning district are highly regulated. Although the property is located within the Lake Jackson Drainage Basin, the property is also located in one or more smaller closed basin(s). The delineation of the on-site closed basin(s) would enhance development options/land uses. However, closed basin stormwater management standards would apply.

As requested, a mixed use Planned Unit Development (PUD) subdivision could be developed on the property per Chapter 10, Article X, Division 5, Section 10-919. The PUD shall be developed under the provisions of Section 10-915 and Section 10-955. Innovative developments such as PUD's are encouraged as described in Section 10-1405. All PUD's require review by the planning commission and review and approval by the Leon County Board of County Commissioners and, thus, shall undergo a Type "D" review per Section 10-1480.

Development could also occur under the existing LP zoning, per Section 10-919 and Section 10-1209, and, for that portion of the property within the RP land use, if rezoned RP, could be developed per Section 10-920 and Section 10-1210. A Type A, B, or C review would be required depending on the intensity of development as described in Section 10-1477 through Section 10-1480. Any minor office and/or commercial uses including those listed in Section 10-1204 (Mixed Use A overlay district) would require review and approval by the Board of County Commissioners. Highly regulated environmental development standards that apply generally include, but are not limited to, regulations identified in Section 10-187 pertaining to wetlands, Section 10-188 regarding closed drainage basins, Section 10-190 concerning water quality treatment, Section 10-975 and Section 10-192 pertaining to special development standards for the Lake Jackson special development zone, and Sections 10-208 and 10-210 pertaining to stormwater management and karst geologic features. The portion of the property fronting on Old Bainbridge road is within a canopy road overlay district (Section 10-972). Development within 100 feet of the centerline of this roadway is restricted.

----------CONDITIONS----------

**Subject to the following sequence of reviews and required approvals:**

1: Pre-Application Conference: Contact Development Services at 488-9300
2: Canopy Road: Contact Urban Forester at 891-8635
3: Concurrency Certificate: Contact Concurrency Mgt at 488-9300
4: Type D Review Contact: Development Services at 488-9300
5: Environmental Permit Contact: Environmental Compliance at 488-9300
6: Building Permit Contact: Building Inspection at 488-4704
7: Development may be subject to City/County Water & Sewer Agreement. Contact City Utilities at 891-6101
8: Final Plat Contact: Public Works at 488-8003

Submittal requirements are pursuant to the Leon County Zoning, Site and Development Plan and Subdivison Procedures and Information Manual for the Process identified above.

Subsequent permitting and site plan review may limit the ability to construct above described development. This certificate is exclusive to the terms and conditions herein and is valid under the 2010 Comprehensive Plan and the Leon County Land Development Regulations in effect at the time of issuance. Amendments to the 2010 Comprehensive Plan or to the Land Development Regulations may alter the terms and conditions of this certificate.

No Permitted Use Verification Application and/or Permitted Use Verification Certificate shall be the basis for any claims of estoppel or vesting as against any land development regulations or zoning regulations, which may be adopted on or after the date of the Permitted Use Verification Application and/or the Permitted Use Verification Certificate.

Status: **ELIGIBLE**
Date Approved: 11/14/2003

11/14/03
Development Services Division

District intent, allowable uses and development standards for each of these districts are set forth in division 9 of this article.
(Ord. No. 03-20, § 2, 7-22-03)

**Sec. 10-915. Planned unit development (PUD) zoning district requirements and procedures.**

(a) *Purpose and intent of district.* The planned unit development (PUD) zoning district is intended to provide a method by which proposals for a unique zoning district which are not provided for or allowed in the zoning districts otherwise established by this chapter may be evaluated. The standards and procedures of this district are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining in the Board of County Commissioners the absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare. In so doing, the PUD district is intended to:

(1) Promote more efficient and economic uses of land.

(2) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.

(3) Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.

(4) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.

(5) Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.

(6) Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.

(7) Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.

(b) *Eligibility.* The PUD district is designed to allow an applicant to submit a proposal for consideration, for any land uses or any mixture of land uses that are consistent with the comprehensive plan, and to allow the Board of County Commissioners to approve any proposal which it determines to be in the best interest of the public

(2) *Configuration of the PUD zoning district.* The tract(s) of land for which the PUD zoning district is made shall be contiguous with sufficient width and depth to accommodate the proposed use.

(3) *Unified control/ownership.* All land included for the purpose of development within a PUD district shall be owned by or be under the complete control of the applicant for such zoning designation, whether the applicant be an individual, partnership, corporation, other entity, group, or agency. The applicant shall provide the county all of the necessary documents and information that may be required by the county attorney to assure the county that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully complied with.

(c) *Review process.* An application for a PUD zoning district shall consist of a PUD concept plan and a PUD final development plan. A PUD zoning district is established when a PUD concept plan is approved by the Board of County Commissioners.

(1) *PUD concept plan.* A PUD concept plan is a generalized plan which shows the proposed land uses and maximum density or intensity of all lands within a PUD zoning district in accordance with the infor-

## Policy LU 1.7.10

| MIXED USE A | Development Patterns | Allowed Land Uses | Density | Intensity |
|---|---|---|---|---|
| Primary: (From 68 - 82 %) | Low Density Residential | Residential, Recreation, Light Infrastructure & Community Service | Up to 8 units/acre | 10,000 sq ft/acre |
| | Low Density Residential Office | Residential, Office, Recreation, Light Infrastructure & Community Service | Up to 8 units/acre | 10,000 sq ft/acre |
| Secondary: (25 % or less of Mixed Use A) | Medium Density Residential | Residential, Recreation, Light Infrastructure & Community Service | 8 to 16 units/acre | 20,000 sq ft/acre |
| | Med. Density Residential Office | Residential, Office, Ancillary 1st Floor Commercial, Recreation, Light Infrastructure, Community Service &Post Secondary Schools | Up to 16 units/acre | 20,000 sq ft/acre |
| | Village Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 16 units/acre | 12,500 sq ft/acre |
| | Medical Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 20 units/acre[1] | 80,000 sq ft/acre[2] |
| Tertiary: (7 % or less of Mixed Use A) | Urban Pedestrian Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 16 units/acre[1] | 20,000 sq ft/acre |
| | Suburban Corridor | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light & Heavy Infrastructure, & Community Service | Up to 16 units/acre | 25,000 sq ft/acre |
| | Light Industrial | Ancillary Residential, Office, Commercial up to 10,000 sq ft, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service, & Post Secondary Schools | 1 unit/development | 20,000 sq ft/acre |

| MIXED USE B | Development Patterns | Allowed Land Uses | Density | Intensity |
|---|---|---|---|---|
| Primary: (From 65 - 80%) | Low Density Residential | Residential, Recreation, Light Infrastructure & Community Service | Up to 8 units/acre | 10,000 sq ft/acre |
| | Low Density Residential Office | Residential, Office, Recreation, Light Infrastructure & Community Service | Up to 8 units/acre | 10,000 sq ft/acre |
| | Medium Density Residential | Residential, Recreation, Light Infrastructure & Community Service | 8 to 16 units/acre | 20,000 sq ft/acre |
| | Med. Density Residential Office | Residential, Office, Ancillary 1st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post Secondary Schools | Up to 20 units/acre | 20,000 sq ft/acre |
| | Village Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 16 units/acre | 12,500 sq ft/acre |
| Secondary: (35 % or less of Mixed Use B) | Urban Pedestrian Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 16 units/acre[3] | 20,000 sq ft/acre[3] |
| | Suburban Corridor | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light & Heavy Infrastructure, & Community Service | Up to 16 units/acre | 25,000 sq ft/acre |
| | Medical Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 20 units/acre[1] | 80,000 sq ft/acre[2] |
| | Light Industrial | Ancillary Residential, Office, Commercial up to 10,000 sq ft, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service, & Post Secondary Schools | 1 unit/development | 20,000 sq ft/acre |

| MIXED USE C | Development Patterns | Allowed Land Uses | Density | Intensity |
|---|---|---|---|---|
| Primary: (From 62 - 77 %) | Medium Density Residential | Residential, Recreation, Light Infrastructure & Community Service | 8 to 16 units/acre | 20,000 sq ft/acre |
| | Med. Density Residential Office | Residential, Office, Ancillary 1st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post Secondary Schools | Up to 20 units/acre | 20,000 sq ft/acre |
| | Urban Pedestrian Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 16 units/acre[3] | 20,000 sq ft/acre[3] |
| Secondary: (33 % or less of Mixed Use C) | Low Density Residential | Residential, Recreation, Light Infrastructure & Community Service | Up to 8 units/acre | 10,000 sq ft/acre |
| | Low Density Residential Office | Residential, Office, Recreation, Light Infrastructure & Community Service | Up to 8 units/acre | 10,000 sq ft/acre |
| | Suburban Corridor | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light & Heavy Infrastructure, & Community Service | Up to 16 units/acre | 25,000 sq ft/acre |
| | Medical Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 20 units/acre[1] | 80,000 sq ft/acre[2] |
| Tertiary: (5 % or less of Mixed Use C) | Village Center | Residential, Office, Commercial up to 200,000 sq ft, Recreation, Light Infrastructure & Community Service | Up to 16 units/acre | 12,500 sq ft/acre |
| | Light Industrial | Ancillary Residential, Office, Commercial up to 10,000 sq ft, Light Industrial, Recreation, Light & Heavy Infrastructure, Community Service, & Post Secondary Schools | 1 unit/development | 20,000 sq ft/acre |

Notes: 1 = 8 unit/acre minimum for exclusively residential 2 = Hospitals to 176,000 sq ft/acre 3 = 20 units per acre and 40,000 sq ft per acre for Multiple Use Development

**Policy LU 1.7.5** *(Rev. Effective 7/2/99)*
**Village Center Development Pattern**

INTENT - The Village Center development pattern is intended to provide locations for offices and commercial uses which provide goods and services, that people frequently use, in close proximity to their homes. Village Centers are intended to be compact and not promote strip commercial development; therefore, zoning districts implementing this development pattern will include limitations on arterial and collector street frontage and maximum development pattern size, not to exceed 20 acres and 200,000 square feet of commercial use per parcel, except a Village Center may be as large as 30 acres if its gross square footage does not exceed 250,000 square feet. Village Centers are characterized by a scale and design that is compatible with nearby residential areas and zoning districts implementing this development pattern will include appropriate development standards . Zoning districts may include additional thresholds in order to size Village Centers in relation to the needs of the surrounding area. It is also intended that community facilities (Recreation, Community Services and Light Infrastructure) related to the principal use of this development pattern be allowed in a manner which would ensure the protection of adjacent uses.

DENSITY/INTENSITY - Nonresidential development shall not exceed 12,500 square feet of a gross building area per acre for Village Centers 20 acres and less. Nonresidential development shall not exceed 250,000 square feet of gross building area for Village Centers from 20 to 30 acres in size. Residential use is permitted on the second floor and above, above office or commercial use, up to a maximum density of sixteen dwelling units per acre.

LOCATION - Mixed Use A and B areas; and Mixed Use C areas in which the Urban Pedestrian Center would be inconsistent with existing development patterns are appropriate for zoning Village Centers. Additional criteria for zoning these areas are as follows: Areas adjacent to low and medium density residential development; and Areas adjacent to the Residential Preservation and University Transition Future Land Use categories and Low Density Residential, Medium Density Residential, Suburban Corridor, Medical Center and Urban Pedestrian Center Corridor Mixed Use development patterns.

ACCESS - Areas zoned for the Village Center development pattern shall have access to an arterial or collector roadway.

(3) The area within the uppermost contour of an active sink, as determined by standard geotechnical evidence in consideration of soil types, slopes, vegetation, topography and geologic features shall remain natural. A transitional buffer from the uppermost contour may also be required;

(4) There will be no discharge of water to an active karst feature from any land use which uses, produces or generates as waste any listed Resource Conservation and Recovery Act material or listed Environmental Protection Agency priority pollutant.

h) **Designated canopy roads** (*Rev. Effective 6/28/02*) -- Development can be permitted at a density consistent with the density allowed by the existing land use category, provided that the following are done:

(1) No clearing may occur in the canopy road zone (cpz)(100 feet from center line of the road) unless authorized for legal access (provided no other alternative exists), or for the health, safety or welfare of the public or, for linear sidewalk improvements when practical given the unique attributes of the particular site as approved by the local government provided they meet the following criteria:

(a) Clearing in the canopy road zone will be kept to a minimum.

(b) A variety of surfaces will be evaluated for use in the sidewalk/pathway through the cpz based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.

(c) Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.

(2) Any part of the canopy road zone that is cleared or has trees removed from it must be widened by the same amount that was removed;

(3) A full analysis of the impact of a development on the affected canopy road must be submitted at the time of development review;

(4) access to canopy roads will be utilized unless there is no alternative. New cuts into canopy roads must be designed to serve more than one property development.

Attachment # 3
Page 28 of 61

**From:** Brian Waterman
**To:** McCord, Bill
**Date:** 8/20/04 2:39PM
**Subject:** Summerfield PUD

[redacted]

Bill,

Concurreny approval has not been granted at this present time. Therefore, the statement "Any reserved traffic concurrency not used by the development shall expire 10 years after the date of approval of this Conceptual PUD application" is incorrect. Furthermore, the submitted site plan and development standards submitted for Concept PUD approval is no longer consistent with the submitted Concurrency Application and Traffic Impact Analysis. Prior to the issuance of a Certificate of Concurrency, the Application for Concurrency Determination and Traffic Impact Analysis must be revised to reflect the new development standards and all mitigation criteria must be met. Please have the applicant contact me to set up an appointment to discuss the outstanding concurrency issues.

Brian S. Waterman
Transportation Planner

**CC:** Clark, Mike; McDevitt, David

[redacted]

## RELATION TO URBAN SERVICE AREA

**Objective 1.2:** [T] *(Effective 7/16/90)*

Identification and programming of new road projects will be consistent with the urban service area strategy to promote urban infill and discourage urban sprawl.

**Policy 1.2.1:** [T] *(Effective 7/16/90)*

All new roads or substantial improvements to existing roads shall be consistent with the intent and policies delineated in the Future Land Use Element of the Comprehensive Plan.

**Policy 1.2.2:** [T] *(Rev. Effective 9/19/90)*

When planning improvements to the transportation system, develop corridor alignments which will minimize the impact on existing neighborhoods. Prior to development of a new corridor alignments, community involvement and community impact analysis will be undertaken in conformance with Transportation Policies 1.1.1., 1.1.2., and 1.1.3., including impact on natural features of Leon County, stormwater management, and traffic generation impact analysis.

**Policy 1.2.3:** [T] *(Rev. Effective 12/16/94)*

As part of the Year 2020 Transportation Plan an arterial and collector network will be developed for Leon County including all undeveloped land.

## FUTURE TRANSPORTATION CORRIDORS

**Objective 1.3:** [T] *(Effective 7/1/04)*

Identify right-of-way needed for planned future transportation improvements and protect it from building encroachment as development occurs to preserve the corridor for transportation use, to maintain transportation level of service for concurrency, to improve coordination between land use and transportation, and to minimize the adverse social, economic, and environmental impacts of transportation facilities on the community.

**Policy 1.3.1:** [T] *(Effective 7/1/04)*

By 2004, the City and County shall adopt corridor management ordinances, in accordance with subsection 337.273(6), F.S., which are designed to protect future transportation corridors designated in the Tallahassee-Leon County Comprehensive Plan from development encroachment, to provide for right-of-way acquisition, and to mitigate potential adverse impacts on affected property owners.

Future right-of-way needs for transportation corridors designated for improvement in the Tallahassee-Leon County Comprehensive Plan are generally depicted in the table below and in Exhibit A (Future ROW Needs Map) and Table A (Future Right-of-Way Needs and Access Classifications). These widths are intended to indicate generalized corridors, not precise

[redacted]

alignments, and shall not apply where a more specific alignment is established through alignment studies, engineering studies or design.

***Future Right-of-Way Needs for Planning Purposes***

| **Functional Classification** | ***Maximum* ROW (ft.)** [1,2] |
|---|---|
| Blueprint Principal Arterial [3] | 230 |
| Principal Arterial | 200 |
| Minor Arterial | 176 |
| Major Collector | 146 |
| Minor Collector | 100 |

Notes:

1. Widths represent maximum anticipated ROW needs based on roadway functional classification, typical cross sections, and design standards for a range of potential design alternatives. In addition to the number of travel lanes, the following are important considerations in the determination of right-of-way needs for future corridors:
   (a) Space for sidewalks to provide safe and convenient movement of pedestrians.
   (b) The provision of bike lanes or separate bike paths.
   (c) Space for current or future location of utilities so that, when necessary, they can be safely maintained without undue interference with traffic. The utility strip needs to be of sufficient width to allow placement of a water main so that in the case of rupture, neither the roadway pavement nor adjacent property will be damaged.
   (d) Accommodation of stormwater at the surface or in storm drains.
   (e) Accommodation of auxiliary lanes at intersections.
   (f) Placement of trees to improve the aesthetic qualities of the roadway, to shade pedestrians, and improve community appearance. The space needs to be adequate to accommodate tree growth without damaging sidewalks, abutting development, or curb and gutter.
   (g) Allowing for changes in the paved section, utilities, or other modifications, that may be necessary in order to meet unseen changes in vehicular, pedestrian, bicycle, or other transportation needs as a result of changes in land use and activity patterns.

2. Alternative widths may be established by the local government, in consultation with other affected agencies, pursuant to an adopted Critical Area Plan or based upon an analysis of existing constraints, community planning objectives, and other considerations unique to the roadway or surrounding land development.

3. Planned ROW needs for Capital Circle from Centerview to W. Tennessee, as accepted by the Blueprint Intergovernmental Agency on November 19, 2001.

Leon County, Department of Growth & Environmental Management

# MEMORANDUM

TO: Bill McCord, Development Services Administrator

FROM: Clay Carithers, Environmental Review Supervisor CC

[redacted]

CC: David McDevitt, Tony Park, Wayne Tedder
John Kraynak, Nawfal Ezzagaghi, Pam Scott, Gary Johnson
Bob Sellers, Allen Nobles & Assoc., 2844 Pablo Ave., Tallahassee, FL 32308
Gordon Thames, Arbor Properties Inc., 2750 Old St. Augustine Rd., Tallahassee, FL 32302

DATE: August 24, 2004

**RE: ADDENDUM TO ORIGINAL MEMO**
**Summerfield PUD (Conceptual Site & Development Plan)**
**DRC Meeting #2 – Environmental Review Comments & Recommendations**
**Parcel ID: 21-04-51-000-012-0**

This memo serves as an addendum to my original memo issued previously today regarding the referenced application for conceptual PUD Site and Development Plan approval.

Initially we did not think about the possibility of the applicant obtaining a variance. Based upon further consideration of this matter, Environmental Review staff can recommend approval of the Summerfield conceptual PUD assuming the following items are achieved:

1. The Board grants the applicant a variance from the requirements of Sections 10-346(a) and 10-915(d)(1)c.7 of the Land Development Code regarding the necessity of having an approved Environmental Impact Analysis (EIA) before conceptual Site and Development Plan approval can be granted. This variance would not alleviate the need for the applicant to obtain approved EIAs before final Site and Development Plan approvals can be granted for individual phases or components of the PUD.

   If the variance is granted, staff has determined that environmental issues could be adequately addressed during the final Site and Development Plan review and approval process. These topics would be covered in future EIA applications submitted.

2. Conditions "A" through "F" of staff's preceding memo are made conditions of approval of the conceptual PUD.

Leon County, Department of Growth & Environmental Management

# MEMORANDUM

[redacted]

TO: Bill McCord, Development Services Administrator

FROM: Clay Carithers, Environmental Review Supervisor

CC: David McDevitt, Tony Park, Wayne Tedder
John Kraynak, Nawfal Ezzagaghi, Pam Scott
Bob Sellers, Allen Nobles & Assoc., 2844 Pablo Ave., Tallahassee, FL 32308
Gordon Thames, Arbor Properties Inc., 2750 Old St. Augustine Rd., Tallahassee, FL 32302

DATE: August 24, 2004

**RE: Summerfield PUD (Conceptual Site & Development Plan)**
**DRC Meeting #2 – Environmental Review Comments & Recommendations**
**Parcel ID: 21-04-51-000-012-0**

Environmental Review staff has evaluated the materials submitted by the applicant for the second DRC meeting scheduled for 8/25/04, which included a revised PUD document (text and supporting exhibits) and the revised conceptual site and development plan set. The applicant is now only seeking approval of a conceptual PUD rather than a mixed final and conceptual approval.

This memo addresses staff's recommendation to deny the application; however, it also contains conditions that must be made part of the approval of this application should approval be recommended or granted by other reviewers.

## RECOMMENDATION

Staff recommends denial of this application for conceptual PUD approval. Some of the reasons for this recommendation are as follows:

- The PUD document and the accompanying conceptual site and development plans (the site plans) contain erroneous information, contain insufficient information, and contain text and details that are not in compliance with the Land Development Code (the LDC). The PUD document and the site plans also contain conflicting information. In essence, the application is not ready for proper consideration by the DRC, Planning Commission, or the Board.

- The applicant has not complied with Sections 10-346(a) and 10-915(d)(1)c.7 of the LDC which require that an environmental analysis (including an NFI and EIA), following approval, must be part of the development approval. An environmental impact analysis (EIA) has not been approved for this project. The Natural Features Inventory (NFI) for the project (LEA 03-0072) was approved with 4 conditions. Three of these conditions have not been satisfied and one has not been satisfactorily completed. The applicant has not fully complied with Policy 1.1.1 of the Comp Plan, Conservation Element which states no rezoning can be undertaken until the proposed area is mapped and natural resources noted. As mentioned, The NFI was approved but the conditions of NFI approval have not been completed.

- The application does not adequately comply with Sections 10-207(2)d and 10-346(a)(2)b.6 of the LDC as regards preservation of significant grade areas in their natural state.

- The PUD document conflicts with the requirements of Sections 10-224, 10-258(c), and 10-316(c)(2) of the LDC as regards management and maintenance of natural areas.

- The site plans do not adequately comply with Sections 10-207(3) and 10-346(a)(2)a.2 of the LDC regarding appropriate protection of unaltered floodplains.

[redacted]

- The proposed site plans do not provide sufficient information to determine whether requirements of the Comp Plan, Land Use Element, Environmental Overlay Development Criteria (h)2 and 3 will be satisfied. It has not been demonstrated that the canopy road zone has been widened by the same amount that is proposed for impact (removal) and an analysis of the impact has not been submitted (criteria #3). The application does not comply with Policy 3.4.5 of the Conservation Element of the Comp Plan as regards required mitigation for canopy road protection zone impacts. The application does not comply with Section 10-972(c)(5) of the LDC since an analysis of the proposed canopy road impact has not been submitted. In addition, the application does not provide the information required by Section 10-314(b)(4) of the LDC necessary to allow the Board (or staff) to make a decision regarding the proposed new canopy road connection.

- Insufficient information has been provided to reasonably assume the development will be able to achieve proper stormwater management as required by Sections 10-188 (closed basins) and 10-1526(e)(6) of the LDC without necessitating potentially substantial changes to the proposed land plan. Similarly, the information submitted does not allow staff to determine whether the project will be able to comply with Policy 2.2.5 of the Comp Plan, Conservation Element as regards stormwater standards in closed basins.

- Insufficient information has been provided to reasonably assume the project will be able to comply with the requirements of Section 10-209(2) of the LDC regarding necessary stormwater conveyance easements.

- Insufficient information has been provided for staff to determine whether the project will comply with Policy 1.3.7 of the Comp Plan, Conservation Element which mandates that deviations from conservation and preservation area development standards cannot exceed 5%. In general, insufficient information has been provided to allow staff to determine whether the proposed development can be reasonably anticipated to protect natural features in accordance with the requirements of Section 10-346(a)(2) of the LDC.

- The conceptual plan does not appear to comply with the intent of Section 10-1534(c) of the LDC as regards maximizing protection of protected trees. Also, insufficient information has been provided for staff to determine whether the project may be able to comply with Policy 3.3.1(a) of the Comp Plan, Conservation Element which requires a minimum number of existing healthy trees to be preserved on the site.

- The site plans do not comply with the requirements of Sections 10-915(d)(1)c.6(iii), (iv), (vii), or (viii) of the LDC nor does it comply with Sections 10-1480.3(a)(iii)f.3, 4, 7, and 8. Insufficient and/or inaccurate information is provided regarding: external uses and features; important physical features (especially conservation and preservation area features); existing vegetative cover; soils and their appropriateness for development, and; existing public facilities that would serve the residents.

- The PUD document is does not comply with Sections 10-915(d)(1)c.5 and 10-1480.3(a)(iii)e of the LDC since it lacks a commitment to develop in accordance with any conditions of approval placed on the PUD.

- Insufficient information has been provided to ensure the development will comply with Section 10-1526(d) of the LDC, which requires development to be in conformance with applicable ordinances and the Comp Plan. As it stands, certain aspects of the proposed PUD (the application) do not adequately comply with applicable provisions of the Environmental Management Act (as required by Section 10-1482.2) and do not adequately comply with other applicable regulations found in the LDC as required by Sections 10-915(e)(2) and 10-1482.3.

## CONDITIONS OF APPROVAL

Should the DRC, Planning Commission, and/or Board recommend approval of this application, it is imperative that the conditions listed below be made part of the approval. Please be advised that conditions "E" and "F" address revisions that must be made to the site plans and PUD document prior to the applicant submitting for the public hearing scheduled for the required Board meeting. Conditions "A" through "D" should be made part of any final approval (they do not require changes to the PUD document or site plans).

**Summerfield PUD (conceptual)**
**DRC Meeting #2: Environmental Review Comments & Recommendations** [redacted]

Some of the conditions listed are followed by italicized text. The text in italics is provided as a brief explanation of the reasons for the preceding condition. Such text is not intended to be included as part of the conditions of approval.

**A. Any future applications for final Site and Development Plan approval submitted for any phase or component of the Summerfield PUD shall comply with all applicable requirements and standards set forth in the Land Development Code, including the Environmental Management Act. Some of the density and/or intensity of development shown in the conceptual plans may be reduced as a result of this requirement.**

**B. All future applications for final Site and Development Plan approval submitted for any phase or component of the Summerfield PUD shall include a complete Environmental Impact Analysis (EIA). Any such EIA application must be submitted prior to the applicant submitting for Technical Review in cases where this review is required. Any such EIA application must be approved by Environmental Review staff before final Site and Development Plan approval can be granted.**

**C. The first EIA application submitted for final Site and Development Plan approval must satisfactorily comply with the conditions listed on Sheet 1 of 2, NFI Map/Features Map, contained in the Natural Features Inventory originally approved for the Summerfield property (reference LEA 03-0072 as approved on 4/6/04).**

**D. Any changes to the originally approved Natural Features Inventory (NFI) proposed by the applicant, other than revisions required by conditions listed in said NFI, shall be submitted as an application to modify the original NFI. The proposed modifications must be approved by Environmental Review staff before the first EIA application submitted for final Site and Development Plan review can be approved.**

**E. The applicant must make the following changes and revisions to the Conceptual Site and Development Plans (24" x 36" plan set) prior to submitting for the Board of County Commissioners public hearing scheduled for this project. The revised plans shall be supplied to the DRC and Planning Commission as well.**

1. Sheet 3 --- Revise the drawing in accordance with one of the following two options: (1) Add a note that reads "Where there are conflicts between the delineation and designation of natural features as shown in the previously approved NFI for this property (LEA 04-03-0072) and the delineation and designation of such features as shown hereon, the NFI shall prevail until such time as the NFI information is updated in the project's Environmental Impact Analysis and approved by Environmental Review staff.", or; (2) Do not show wetlands, watercourses, significant slopes, and drainage basin boundaries on this drawing. If the first option is chosen, a legend must also be added to the drawing identifying the various lines and hatch patterns utilized. If the second option is chosen (preferred), the NFI maps in Exhibit A of the PUD document will provide most of the necessary existing conditions information.

   *This drawing contains information that conflicts with the approved NFI and does not provide other information required by the EMA. Staff has not approved the conflicting information and the applicant has continued to fail to revise existing conditions information in accordance with staff comments. It would be simpler to delete the contentious information at this stage. Final site plans will still require detailed existing conditions information.*

2. Sheet 3 --- Indicate the location and function of existing public facilities (schools, parks, fire stations, EMS, etc.) that would serve the residents of this PUD. This could be done through notes vs. illustrations if the facilities are far away. ~~Also, show the following information~~ for adjacent parcels: parcel ID, ownership, zoning, and current use.

**Summerfield PUD (conceptual)**
**DRC Meeting #2: Environmental Review Comments & Recommendations**

[redacted]

*This information is required per Section 10-915(d)(1)c.6.*

3. Sheet 4 --- The following revisions must be made to this drawing:

(A). Change the boundary of SR-3 to encompass the open space area in the far northeast corner of the site.

*As shown now, this area is excluded from any proposed district.*

(B). All buffers, including landscaped perimeter buffers, should be hatched as open space.

*Such areas will be maintained by the HOA and thus should be open space. Also, the landscape buffer along the east property line should not be part of the proposed lots unless a landscape easement is proposed to contain the buffer.*

(C). The area presently shown as open space in the northern-most corner of the site (northwest corner) must be hatched and designated as natural area only rather than open space.

*This area encompasses a floodplain which must be protected by a conservation easement (i.e. natural area) in accordance with Section 10-346(a)(2)a.2. It cannot be shown as a mixed natural area and open space given the definition of and allowed uses within open space areas set forth in the PUD document.*

(D). The area immediately northwest of SWMF #2 (preserved significant slopes area) <u>and</u> the large area in the southern-most corner of the site (southeast corner, preserved wetland and floodplain) are presently shown as being both natural areas and open space areas. These two areas must be hatched and designated as natural areas only (not natural area and open space).

*These areas cannot be designated as open space given the definition of and the allowed uses within open space set forth in the PUD document. This document indicates open space areas won't be dedicated to the public. Natural areas must be placed in conservation easement dedicated to the County. Open space allows for various structures and improvements. Natural areas must remain in their natural state. These two areas must be protected by a conservation easement per EMA requirements and development will be prohibited (vs. open space areas that allow such things as stormwater ponds).*

(E). Revise the area and density data presented for the MR-1 District to properly account for changing the open space area near SWMF #2 to natural area (unless you keep the natural area as part of this district).

(F). Revise the acres, square feet, and percentage of site data presented for Open Space to properly account for the conversion of the two areas presently designated as open space/natural area to solely natural areas and to account for the conversion of the northern-most open space area to natural area.

*Refer to comments 3.C and 3.D above. Open space will decrease because of these changes.*

(G). Under the Natural Area section of the site data, delete all the information presented concerning "required" natural area (acres, square feet, percent).

*This application is for conceptual approval only. The amount of natural area required cannot be determined until the time of final site and development plan review, hence it is unacceptable to state the required natural area at this stage. Although there is insufficient information provided to properly determine natural area requirements, it is clear the data presented are flawed due to use of an erroneous calculation method. Given the site plan submitted, it appears the total natural area required for the MR-1 and GRO areas will be closer to 10.77 acres vs. the 8.28 acres indicated.*

(H). Under the Natural Area section of the site data, revised the acres, square feet, and percentage data presented under the "proposed" sub-category to properly account for conversion of the open space area in the northern-most corner of the site to a natural area. In addition, revise these data to properly account for all natural areas.

*Refer to comments 3.C above. Converting the open space to natural area will increase the extent of natural area. Note also that the 548,753 square feet of natural area presently stated apparently does not include the roughly 34,632 square feet of preserved significant grades near SWMF #2. This area must be included in the natural area proposed data since it must be protected by conservation easement and preserved in its natural state.*

(I). In the legend, add text or a note indicating the natural areas will be managed and maintained by the Homeowners' Association.

*The developer or other responsible entity (not the County) must manage and maintain all natural areas (see Section 10-258(c)).*

4. Sheet 5 --- Add a legend identifying the line types used to designate proposed sidewalks and the vehicular circulation arrows. In addition, the PUD document indicates a sidewalk is proposed along US 27. If this is the case, illustrate the conceptual location of this sidewalk.

5. Sheets 7 through 12 --- Add the following notes to these sheets: (1) This protected tree survey is preliminary. Additional and/or revised tree survey information may be required at the time of final site and development plan review. (2) This protected tree survey does not include protected trees having a DBH of 4 inches or greater but less than 12 inches DBH which are located in lot perimeter zones of the project site. It also does not include protected trees having a DBH of 2 inches or greater but less than 12 inches DBH which are located in the canopy road tree protection zone.

*The tree survey data presented on Sheet 8 remain questionable as to the accuracy and completeness of the information. For example, in the plans submitted for the first DRC meeting the tree survey identified over 1,750 trees, listed at least 29 sycamore trees, listed over 100 sparkleberry trees, and listed a 100" DBH oak. These plans were represented as being accurate and correct. The current tree survey identifies only 876 trees (half as many), only lists about 3 sycamore trees, does not list any sparkleberry trees, and does not include the former 100" DBH oak. The mysterious disappearance of so many trees, the significant change in the tree species present, and the changes in the DBH data reflected in the current survey vs. the prior survey calls into question the validity of the entire survey now. This issue will need to be resolved later during final site plan review and as part of the project's EIA. The first note to be added is required to ensure all parties are aware that additional tree survey work and/or revisions may be necessary (i.e. that the current survey has not been approved).*

*Section 10-292(b)(2) identifies protected trees as including those with a DBH of 4 inches or greater located in lot perimeter zones. Section 10-292(b)(3) identifies protected trees as including any tree within the CRPZ. It is evident that the survey does not include any trees less than 12" DBH, hence a note is needed to clarify the survey does not necessarily reflect all protected trees.*

6. Sheet 7 and Sheets 9 through 12 --- Change the line weight (pen weight) used to plot the trees so that a uniform line weight is used for all trees (i.e. do not graphically differentiate between "trees to be removed" and "trees to remain").

*See the following comment for an explanation of this change.*

7. Sheets 9 through 12 --- The following revisions must be made to these drawings:

(A). Delete the legend symbols and text indicating "Trees to be removed or likely to be removed" and "trees to remain".

*This application is for conceptual approval only. The anticipated impacts to protected trees cannot be determined until the time of final site and development plan review and the EIAs associated with final plans. It would be misleading at this stage to accurately anticipate which trees will be removed and which will be preserved. Staff disagrees with several trees indicated as "trees to remain". Some of these will very likely be physically removed while development will affect the critical protection zones of other trees to the extent that they will be considered technically removed. There are questions remaining as to the accuracy of surveyed information and these must be resolved before tree impacts can be assessed. In addition, trees located within single-family residential lots cannot be indicated as being preserved (to remain) unless there is some mechanism whereby their preservation is assured (ex. conservation easement, covenants and restrictions, etc.). No such mechanism has been proposed.*

(B). Add a legend identifying the symbols used to illustrate the critical protection zones associated with each tree species (i.e. showing which symbol/line style corresponds with which tree species).

*Since each tree species is apparently represented by a different symbol, a legend is needed explaining the relationship. This will also help future reviews of the tree survey plans and data.*

8. Sheet 13 --- The following revisions must be made to this drawing:

(A). Label the soil map unit in the southwest corner of the site as "Plummer fine sand 'B/D'" and re-label the soil map unit along the east property line as "Wagram loamy fine sand 'A'" instead of Orangeburg.

(B). Identify all Orangeburg soils as being "fine sandy loam" rather than just "sandy loam".

(C). Revise the mapping and labeling in the area presently shown as "Submerged". This area includes a smaller area of "Submerged" (i.e. water) than is shown and a small area of "Plummer fine sand" that is not currently indicated.

(D). Add a legend identifying the line-type used to show soil map units and to explain the hydrologic group designation.

(E) Add a table or notes that address each soil map unit's suitability for development (construction) as required by Section 10-915(d)(1)c.6.(vii).

**F. The applicant must make the following changes and revisions to the PUD document (text with supporting exhibits) prior to submitting for the Board of County Commissioners public hearing scheduled for this project. The revised PUD document shall be supplied to the DRC and Planning Commission as well.**

1. Section 1.B. --- Change the text currently reading "Summerfield will be designed as a private Planned Unit Development and will contain a maximum of 160 single-family homes, 312 multi-family dwelling units, 60,000 square feet of general office and 58,000 square feet of specialty retail", to read "Summerfield will be designed as a private Planned Unit Development and will contain a maximum of 177 single-family homes, 312 multi-family dwelling units, plus either a maximum of 60,000 square feet of general office, a maximum of 58,000 square feet of specialty retail, or a mixture of general office and specialty retail consistent with the standards of the GRO District".

*Text now says 160 single-family homes but plans call for 177. Text and plans must be consistent. The other changes help clarify the GRO district can't have both 60,000 square feet of office <u>and</u> 58,000 square feet of retail since this would exceed maximum density allowed.*

2. Section 1.B. --- Change the text currently reading "The maximum 160 single-family homes will be designed and clustered into three separate areas of the Site", to read "The maximum 177 single-family homes will be designed and clustered into four separate areas of the Site".

*The number of single-family homes specified does not match the site plans. Text indicates 3 areas of single-family residential but plans show 4 areas (SR-1 through SR-4). It would also be good to better explain the "separate areas" concept since this is unclear. This could be achieved by adding one or two more sentences.*

3. Section 1.B. --- Change the text currently reading "All development activities and land uses will be consistent with the Comprehensive Plan and the Leon County Land Development Code, ....", to read "All development activities and land uses will be consistent with the Comprehensive Plan and will comply with the Leon County Land Development Code, ....".

   *The applicant must include a commitment that the project will comply with the LDC. The term "consistent with" is somewhat ambiguous.*

4. Section 1.D. --- Change "Final Development/Concept Plan" to read "Conceptual Plan". Also, change "multi-family and duplex residential areas" to read "multi-family residential areas".

   *This PUD is only conceptual now and contains no final site plans nor does it seek final approval of any phase. The site plans and the allowed uses specified in the PUD do not call for or allow duplexes.*

5. Section 1.E. --- Change the text "...and is contained in the Conceptual Site and Development Plans", to read "...and is contained in the Conceptual Site and Development Plans and the NFI Maps included in Exhibit A".

   *The site plans don't provide all the required information and some of the information provided is erroneous. Citing the NFI maps allows much of the information (and accurate information) to be provided via the added reference.*

6. Section 1.F. --- Change the text " ....and Site Conditions Map", to read "....and NFI Maps". In addition, revise Exhibit A to include a copy of the second sheet (i.e. Sheet 2 of 2) of the approved NFI maps.

   *The NFI drawings are labeled as NFI maps not site conditions maps. The approved NFI consists of a 2-sheet map set, not just the first sheet which is all that is currently included in Exhibit A.*

7. Section 2.A. --- Change the text "....in effect on the date of this PUD approval", to read "...in effect at the time of final site and development plan approval".

   *Many months, and even years, could potentially pass between the time the conceptual PUD is approved and the time a particular project phase is submitted for final site plan review. During this intervening period there could be changes to the LDC that affect project development. The applicant should comply with any such changes. If the applicant seeks to reduce the risk of future code revisions adversely affecting the project's development potential, then the applicant should avoid delays in submitting for final site and development plan review.*

8. Section 2.C. --- Change the text "....in effect on the date of this PUD approval", to read "...in effect at the time of final site and development plan approval".

   *Many months, and even years, could potentially pass between the time the conceptual PUD is approved and the time a particular project phase is submitted for final site plan review. During this intervening period there could be changes to the Comprehensive Plan that affect project development. The applicant should comply with any such changes. If the applicant seeks to reduce the risk of future Comp Plan revisions adversely affecting the project's development potential, then the applicant should avoid delays in submitting for final site and development plan review.*

9. Section 2.G. --- Change the text "... and may include such complementary structures and improvements as are necessary and appropriate", to read "... and may include such complementary structures and improvements as are necessary and appropriate as long as these structures and improvements are first approved by the Department and are consistent with the Comprehensive Plan".

*The current text is overly broad. As worded, it could imply that the developer could have any structures in the open space or make any improvements within the open space as might be desired by the developer. Some structures and/or improvements might not be allowed by the LDC or Comp Plan. Any proposed structures or improvements must be reviewed by staff during the final site and development process.*

10. Section 2.H. --- Change the text "... such as roads, parks, recreational areas, stormwater management facilities, open space, or other similar properties", to read "... such as roads, parks, recreational areas, stormwater management facilities, open space, natural areas, or other similar properties".

    *It is imperative that it be clarified that the Homeowners' Association will be responsible for managing and maintaining the natural areas even though these will be placed in a conservation easement. Maintenance of natural areas is required per Section 10-258(c).*

11. Section 2.K. --- Add a sub-section "K" to Section 2 and provide a definition of "Natural Area" in this new section. The definition must clarify that Natural Areas do not include Open Space areas. It must indicate that all Natural Areas will be placed in a conservation easement granted to Leon County. It must indicate that the Natural Areas will be maintained and managed by the Homeowners' Association. It must indicate that these areas will be preserved in their natural state and that there will be no allowed uses with the possible exception of pedestrian pathways, nature trails, and sidewalks (restricted to along Old Bainbridge Road and US 27) subject to the approval of the Department.

    *Since site plans indicate natural areas, these must be defined. They must be distinguished from Open Space since the open space areas (as shown on the plans) include areas slated for development (ponds, utilities) and landscaped areas.*

12. Section 3.C. --- Change the number of lots from 160 to 177. Change the current density cited based on the change to the maximum number of lots.

    *The site plans indicate 177 total lots not 160. The increased lot count will increase the lot density cited.*

13. Section 3.F. --- Change the text "The MR District contains 312 units....", to read "The MR District will contain a maximum of 312 dwelling units ....".

    *The conceptual PUD is supposed to be referencing the maximum units allowed. Revise the unit count and density also if the applicant does not want to be restricted to a maximum of 312 units in the future.*

14. Section 3.H. --- Change the text to read "The GRO District will contain a maximum of two lots".

    *The conceptual PUD is supposed to be referencing the maximum lots allowed. Revise the lot number if the applicant does not want to be restricted to a maximum of 2 lots in the future.*

15. Section 3.I. --- Change the text to read "The maximum building square feet in the GRO District shall be 58,000 square feet of retail, or 60,000 square feet of office, or a mixture of retail and office buildings as long as the gross density of these types of buildings does not exceed 11,302 square feet per acre."

    *It needs to be clarified that the applicant is not proposing 58,000 sq .ft. of retail <u>and</u> 60,000 sq. ft. of office. The average density of 19,832 sq.ft./ac. currently cited exceeds the maximum gross density of 11,302 sq. ft./ac. allowed by the LDC and Exhibit D.*

16. Section 3.J. --- Change the text to read "The approximate extent of Open Space will be XX.XX acres which represents approximately XX.X% of the PUD Site. The amount of open space may increase or decrease during the final Site and Development Plan approval process associated with the various components of the PUD". The applicant must decrease the currently cited 24.85 acres and 23.23% due to the required conversion of some open space areas currently shown on the site plans to natural areas. The applicant must fill in the XX.XX data accordingly in the text change.

*The PUD, being conceptual, needs to recognize that the open space area may change during final site plan review (otherwise the current text could bind the applicant to providing a stated amount of open space).*

17. Section 3.K. --- Change the text to read "The approximate extent of Natural Areas will be XX.XX acres which represents approximately XX.X% of the PUD Site. The amount of natural areas may increase or decrease slightly during the final Site and Development Plan approval process associated with the various components of the PUD. All preserved conservation and preservation area features will be identified as Natural Areas and protected by a conservation easement granted to Leon County". The applicant must increase the currently cited 12.60 acres and 11.78% due to the required conversion of some open space areas currently shown on the site plans to natural areas and to properly account for all natural areas. The applicant must fill in the XX.XX data accordingly in the text change.

    *The PUD, being conceptual, needs to recognize that the acreage of natural areas may change during final site plan review (otherwise the current text could bind the applicant to providing a stated amount of natural area). Even though allowances are made for changing the limits and extent of natural areas, it must be made clear that the preserved sensitive environmental features (preserved wetlands, floodplains, slopes, CRPZ, etc.) will be put in the natural area category and protected via easement.*

18. Section 3.U. --- Under the SWMF #2 paragraph, change the text "....as well as the single family, office/residential, and retail portions within the basin", to read "....as well as the single family and retail/office portions within the post-development drainage basin". Under the SWMF #5 and #6 paragraph, change the text "...are within the drainage basin for SWMF No. 3", to read "... are within the post-development drainage basin for SWMF No. 3".

    *The current text lists office/residential use which is no longer proposed. It should be clarified that the applicant is referring to the limits of post-development drainage basins rather than pre-development drainage basins (there will be differences between the two).*

19. Section 3.X. --- The first paragraph references Exhibit G but there is no Exhibit G in the PUD document. The text should be changed to cite Exhibit "E" rather than "G" since the last exhibit presently contained in the PUD is Exhibit "D". The applicant must also add Exhibit "E" (i.e., formerly cited Exhibit G showing typical road sections) to the PUD document.

20. Section 3.X. --- In the second paragraph change the text "...common areas, utility and drainage easements, and other easements not dedicated to the County", to read " common areas, open space areas, natural areas, stormwater management facilities, and utility and drainage easements. Any easements granted to Leon County, other than conservation easements, will be maintained by the County if so approved by the Department during the final Site and Development Plan review and approval process".

    *As currently worded, the text absolves the HOA from any responsibility for maintaining the natural areas (conservation easement areas). This is not acceptable since the EMA requires the developer to maintain such areas. It is possible there might eventually be some County easements other than conservation easements. If so, the County would likely maintain these but this must be determined once the easements are proposed.*

21. Section 3.X. --- In the third paragraph change the text " will be determined in conjunction with the City of Tallahassee and Leon County", to read " will be determined in conjunction with the staff from the City of Tallahassee and Leon County, and the location must be reviewed and approved by the Department".

    *Although COT staff may have input into locating the sidewalk, it must be emphasized that final review and approval lies with County GEM.*

22. Section 3.X. --- In the last paragraph change the text "This disturbance to the canopy road protection zone required by the street connection will be mitigated by closing and replanting the existing farm road just south of the proposed connection", to read "This disturbance to the canopy road protection zone required by the street connection will be mitigated in accordance with requirements set forth in the EMA. Detailed mitigation

plans will be provided during the final Site and Development Plan review process associated with the project phase containing the new street connection to Old Bainbridge Road".

*The mitigation proposed does not meet all applicable EMA requirements (see Section 10-314(b)(4)b) and does not constitute an acceptable mitigation plan. The text also does not appear to be consistent with additional mitigation that appears to be shown on the site plan as a widening of one CRPZ section. It would be simplest to state that the mitigation provided will comply with the EMA and that detailed mitigation plans will be provided during final site plan review (as part of EIA and the plans).*

23. Section 4. --- Change the text "...to compliance with this the Summerfield PUD Final Development/Concept Plan submittal", to read "....to compliance with this the Summerfield Conceptual Site and Development Plan submittal as well as all conditions of approval associated with the conceptual PUD".

    *This application is for conceptual approval only and does not constitute any final site plan approval. Section 10-915(d)(1)c.5 requires a commitment to develop in accordance with the approved plan and any conditions of approval.*

24. Section 5. --- In the Natural Environment subsection change the text "....the wetlands in the southwest, the area near the northwest, and the area near the northeast portions of the site, are being preserved...", to read "....the wetland in the southeast, forested portions of special development zones in the far west, and the floodplain area near the northern-most corner of the site, will be preserved...".

    *There is no wetland in the southwest part of the site. No preserve is proposed in the northeast. The suggested text change is staff's best guess as to the areas the applicant meant to cite.*

25. Section 5. --- In the Residential Neighborhoods subsection change the text "This compatibility is achieved by providing a residential community, minor offices, and small to moderate size commercial development ...", to read "This compatibility is achieved by providing a residential community and small to moderate size commercial development (retail and/or office use)...".

    *It is assumed "minor offices" refers to the former OR District which is no longer proposed. The change avoids possible interpretation that OR remains.*

26. New Exhibit A Sheet --- In addition to adding the second sheet of the approved NFI maps to Exhibit "A", also add a new sheet (drawing) showing the existing vegetation associations (FLUCCS categories) present on the property.

    *Section 10-915(d)(1)c.6.(vii) requires a PUD to include a map showing the existing vegetative cover present. The submitted site plan set includes tree survey drawings but these do not adequately illustrate the vegetative cover since vegetation includes things other than protected trees. It would be simplest for the applicant to add a copy of the final FLUCCS map that was approved as part of the NFI for this project.*

[redacted]

23 August 2004

RECEIVED
AUG 24 2004
Growth & Environmental Management
INTAKE Clk
2:48

Mr. Bill McCord, Planner
Department of Growth and Environmental Management
Development Services Division
3401 West Tharpe Street
Tallahassee, FL 32303

Re: Summerfield PUD Concept Plan – 4910 North Monroe Street

Dear Mr. McCord:

I would like to once again submit comments for the DRC Review of the Summerfield PUD that was continued from 4 August 2004 for the proposed rezoning of 108 acres of the property at 4910 N. Monroe Street.

There are significant problems with rezoning the property as requested by the applicants and my objections are outlined below. There are clearly many environmental constraints with this site that must considered as part of the rezoning decision.

1) Unpermitted Alteration of Open Basin to Lake Jackson

The status and circumstances surrounding certification of the new closed basin to Lake Jackson of the northern 55 acres of the property remain suspicious and need to be investigated more closely. This newly created unnamed basin was formerly an open basin connected by a watercourse to Little Lake Jackson (and Lake Jackson) prior to unpermitted dredge and fill activities that occurred in August 2003, just prior to the initial application for a land use change in November 2003. These unpermitted pre-development alterations not only severed a watercourse to close the basin but changed the elevation at the rear of the pasture in order to enlarge the basin (i.e., make it bigger than it ever was) so it would meet the criteria that allows the Comp Plan to self-amend.

The County's position in accepting the property owner's explanation of these alterations, that these activities were simply alterations to existing topography conducted as part of this site's ongoing farm operations, is legally questionable and should be reconsidered. Regardless of the historic land use or claims that this alteration somehow provides a "net benefit" to Lake Jackson, the County should have enforced this blatant violation of jurisdictional wetland rules and the County's EMA. If you look carefully at the alteration that was done last year, it went well beyond simply filling a ditch, but significantly altered the topography in that basin far beyond what is visible on historic aerial photos back to the 1940's. In other words, they did not "restore" the basin to the original topography by filling the ditch in the pasture but created new conditions. Although the property was formerly a dairy farm, it is no longer used for grazing and has

not had cows on it for many years. The large area of standing water that they created by building this berm clearly does not enhance their ability to hay the property. Therefore, the claim that the activity was agricultural in nature is false and was really a preparation for residential development. The timing of the berm construction, just two months prior to application for a land use change, is strong evidence of the real intention. The intention of this unpermitted work is clear, enhance the probability that an engineer will certify the basin as closed to Lake Jackson, thereby increasing the number of units, etc. Therefore, without significant and PERMITTED alterations to the jurisdictional wetland, the 55 acres in question are NOT in a closed basin to Lake Jackson and the developer should not be allowed benefit from an illegal act and develop at the intensity allowed for a closed basin. In fact, the County should send the property owner a Notice of Violation of the EMA and require that the berm be removed as soon as possible.

2) Open Space Requirement

This PUD should follow the precedent set by the Lakeside subdivision just to the north where the County required the developer to maintain one-half of the subdivision land area (31 acres) in a large block that surrounds the clustered housing. Likewise, for the Summerfield PUD, there are clear benefits to respecting the current land use requirements. The large acreage of the property in Lake Protection translates to a much lower density of residential units than currently proposed by the developer and a significant proportion of the land designated as open space (especially if those units are clustered). For maximum protection of environmental features on the northern portion of the property (including wetlands, an extensive grove of large live oaks, and a habitat linkage area from Little Lake Jackson to Lake Jackson) the open space should consist of one large block of contiguous habitat (approximately 23 acres), rather than allowing the developer to split the required open space into small, fragmented portions of little or no ecological value (see attached). In addition, there are Comp Plan policies that require the preservation of environmentally sensitive features on the site and this is currently not part of the plan.

3) Lake Protection and Allowable Density

Currently, the land use category for the northern 55 acres of the property is Lake Protection and the other 53 acres is Residential Preservation. The entire 108 acres is zoned Lake Protection. The applicant is requesting Mixed Use zoning for the entire 108 acres. Mixed Use would allow maximum intensity residential development (duplexes, multi-family, condo-style) with commercial and retail along U.S. 27. The developer should be required to limit residential housing density in Lake Protection to 1 unit per 2 acres or 2 units per acre clustered on 40% of the LP-designated area (an overall density of 0.8 units per acres for the entire LP designated area). Therefore, the number of units should not exceed those allowed under current Lake Protection zoning and with no commercial development along or adjacent to U.S. 27 and no multifamily housing (e.g., apartment buildings, duplexes, etc.).

4) Traffic/Canopy Road Access Issue

[redacted]

The Comprehensive Plan Policies for Canopy Roads (Policy 3.4.10) clearly applies to this proposed development. The consistent application of this policy is that only low density residential and community facilities development will be allowed access to a canopy road. The Summerfield PUD is clearly not low density residential. Therefore, road access to Old Bainbridge Rd. should not be allowed at the current proposed density. Because N. Monroe Street is at maximum concurrency already, access only to N. Monroe Street requires a significant reduction in the planned residential density.

5) Wetland Conversion/Alteration

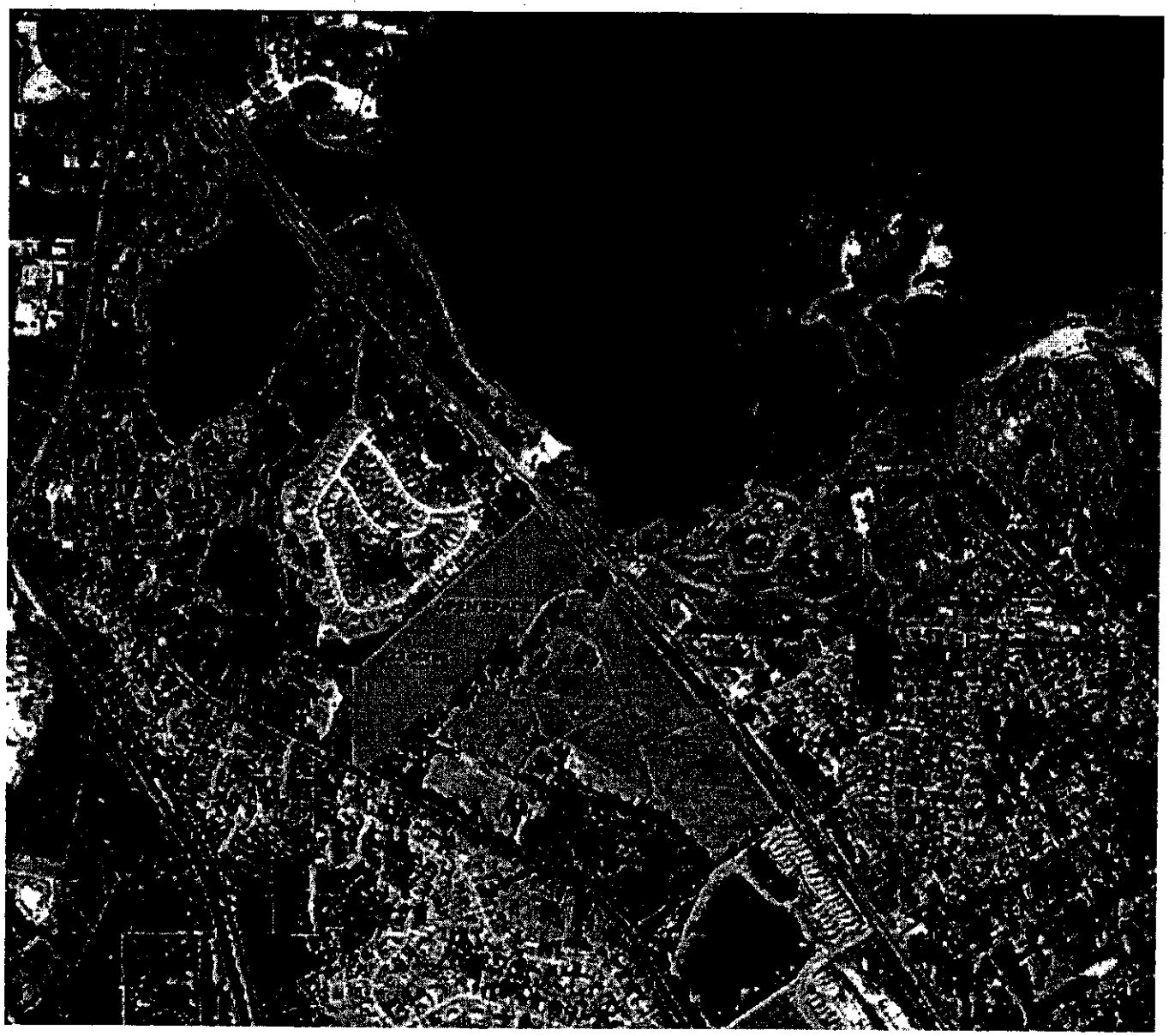
There are many site constraints including a 3-acre natural wetland on the northern portion of the property. This wetland supports populations of several amphibian species (e.g., spadefoot toad) that live in the uplands but only breed in shallow, vegetated, fishless wetlands and, thus, are restricted to such habitats. White ibis and snowy egret (state-listed) and wood storks (Federally listed) are known to frequently forage in this wetland. Despite any minimal past agriculture, the presence of these species along with other wetland features demonstrates that this is an ecologically viable and functioning wetland and cannot be subject to more than 5% alteration under the EMA. Based on this designation, the wetland cannot be altered to a construct the large stormwater holding pond as proposed by the applicant and implicit in their rezoning request.

Based in part on these comments, I am hopeful that Leon County denies the proposed zoning changes and concept plan approval. Any PUD for this property needs to respect the underlying land use categories and follow the EMA and the developer should be strongly encouraged to consider a more marketable and sensible approach to this development.

I would like to be notified when a final decision is reached so that I may appeal it should I disagree with the final disposition.

Sincerely,

Matthew J. Aresco
754 Livingston Court
Tallahassee, FL 32303



TO BILL MCCORD

[redacted]



RECEIVED
AUG 10 2004
By

**Leon County Growth and Environmental Management Department, Development Services Division:**

I/We as owner(s) of Lot _____, Block _____, of the
MARK BEAUDOIN

at the following street address:
4482 CAMDEN RD.

wish the following information to be considered by the Leon County Development Review Committee:

We are opposed to this rezoning due to the density, land use and traffic impacts. I would support single family development with limited commercial or retail. NO MULTI-FAMILY! The density as proposed, will create significant traffic problems particularly on Old Bainbridge at Camden. This would be a very hazardous intersection. Please work with the developer to come up with a more acceptable plan.

Thanks
MB

Mark Beaudoin
(Signature)

MARK BEAUDOIN
(Print Name) 850-891-8382

**Project Name: Summerfield PUD**
**DRC Review: August 4, 2004, 10:00 AM**

[redacted]

**Leon County Growth and Environmental Management Department, Development Services Division:**

I/We as owner(s) of Lot _____, Block _____, of the
Greenwood Hills

at the following street address:
2017 Cynthia Dr

wish the following information to be considered by the Leon County Development Review Committee:

Traffic is so bad on N. Monroe now. Please consider adding 2 lanes - one going North and one going South

Please be very careful of the environment. So many turtles were killed when the lake drained. Please continue to provide crossings for wildlife

Gail Thompson
(Signature)

Gail Thompson
(Print Name)

Project Name: Summerfield PUD
DRC Review: August 4, 2004, 10:00 AM

**LEON COUNTY**
**DEVELOPMENT REVIEW COMMITTEE – SPECIAL MEETING**
**DEPARTMENT OF GROWTH AND ENVIRONMENTAL MANAGEMENT**
**3401 W. Tharpe Street**
**Conference Room**
**Wednesday, August 25, 2004**
**10:00 A.M.**

**OLD BUSINESS:**
**(Continued from August 4, 2004)**

**1. Project:** -Summerfield - PUD Concept Plan
**Applicant:** -Arbor Properties, Inc., Gordon Thames
**Agent:** -Allen Nobles & Associates., Inc., Robert B. Sellers, P.E.
**PARCEL I. D.:** -21-04-51-000-012-0

The project is a concept plan for the rezoning of 108 acres, consisting of mixed uses. The property is located at 4910 N. Monroe Street.

***Wells located, abandonment report will need to be obtained during the site review process, prior to start of construction. Aquifer Protection Clearance is given for the PUD.***

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**Development Services Contact - Bill McCord**

Attachment # 3
Page 49 of 61

BOARD CHAIR
Georiga "Joy" Bowen

BOARD VICE-CHAIR
Sheila Costigan

LEON COUNTY SCHOOLS

BOARD MEMBERS
Dee Crumpler
Maggie B. Lewis
H. Fred Varn

SUPERINTENDENT
William J. Montford, III

August 19, 2004

Leon County Development
Review Committee
3401 W. Tharpe Street
Tallahassee, FL 32303

Dear Committee Members:

Leon County Schools' Planning Department offers the following comments with regard to the items on the August 25 Development Review Committee-Special Meeting Agenda:

**Summerfield PUD Concept Plan – Type "D"** – (Previous response 8/2) Development of this parcel is anticipated to have major impact on Leon County Schools. Currently, the school zones for this property are Canopy Oaks Elementary, Griffin Middle and Godby High. All schools have room to accommodate student growth. It is recommended that wider sidewalks be built on Old Bainbridge Road where busses will pick up students.

Thank you for your consideration.

Sincerely,

Tricia Gwaltney

Tricia Gwaltney, Program Specialist
Planning and Policy Development

/tg

| Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 1 |
|---|---|
| To Chairman | From Planning |
| Co. Dev. Review Comm | Co. LCS |
| Dept. | Phone # 487-7151 |
| Fax # 487-7956 | Fax # |

2757 West Pensacola Street * Tallahassee, Florida 32304-2998 * Phone (850) 487-7100 * Fax (850) 487-7141 * www.leon.k12.fl.us

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# CANOPY ROAD CITIZENS COMMITTEE
# MEETING MINUTES

**Monday, July 19, 2004,** at 6:00 p.m., the Canopy Roads Citizens Committee met in the Tallahassee Room, Second Floor, City Hall, 300 South Adams Street, Tallahassee, Florida.

| **Members Present:** | **Staff/Others Present:** | | |
|---|---|---|---|
| Jim Lyle | Cherie Bryant | David Cowles | William Ryder |
| Ron Davis | Beth Perrine | Linda Dunning | Jeanne Ryder |
| Beth Kostka | Tom Jackson | George Su | Linda Hurst |
| Stan Chapman | Wayne Tedder | Dwight Arnold | Allen Secreast |
| Richard Butgereit | Gina Tullo | Marty Geanmers | Ann Bidlingmaier |
| Bill Pfeiffer | Bob Sellers | Mary Anne Huckabee | Paco de la Fuente |
| Dan Hendrickson | Grady Underwood | Neil Ryder | Gordon Thames |

## I. Call to Order and Quorum Verification

Mr. Ron Davis called the meeting to order at 6:15 p.m. with the presence of a quorum.

## II. Agenda Modifications

Ms. Linda Hurst requested to move Item 7A – Camellia Gardens Tree Removal to the top of the agenda.

## III. Approval of May 17, 2004, Meeting Minutes

**Mr. Richard Butgereit made a motion to approve the minutes as amended. Mr. Bill Pfeiffer seconded the motion and the motion passed unanimously.**

## IV. Announcements:

None

## V. Reports/Ongoing Project

### A. New Business

1. **Seller's Property/Summerfield PUD Application – The Committee will be presented a proposed access connection to Old Bainbridge Road opposite the existing Camden Drive. The request is associated with an application to establish a new Planned Unit Development district for an approximately 110 acre site located between and adjacent to Old Bainbridge Road and US 27, just to the south and west of Lake Jackson.**

   Mr. Bob Sellers presented a request for an access connection to Old Bainbridge Road opposite the existing Camden Road associated with an application to establish the Summerfield Planned Unit Development. This development will be comprised of 107 acres, which will include 152 single-family residences, 312 multi-family residences and a mix of small office residential and commercial. Mr. Sellers stated there is an existing access located 75 feet south of Camden road, which would require the removal of one 2"tree. However, Leon County Public Works and Growth Management requested them to create an access to line up with the existing Camden Road based on health and safety issues. Mr. Wayne Tedder explained that based on the Comprehensive Plan Policy 3.4.10, this access could not be denied because it would allow access uses other than low-density access to the canopy road. Mr. Tedder stated the Planning Department was recommending denial of this request due to the fact it is inconsistent with the Comprehensive Plan and this is the recommendation be forwarded all the way to the Board of County Commissioners.

**Mr. Stan Chapman made a motion to move the staff recommendation to deny access to Old Bainbridge due to the property having three other potential connections to public roads, which could be accessed by this development. Mr. Richard Butgereit seconded the motion and it passed with a vote of 6 to 1.**

2. **Centerville Farms – The Committee will be presented with two proposed access connections to Centerville Road. The request is associated with an application to establish a new Planned Unit Development district for an approximately 975 acre site located north and adjacent to Pisgah Church Road and west and adjacent to Centerville Road, toward the eastern reaches of the Bradfordville general area.**

   Mr. Wayne Tedder provided a summary of the request for access to Centerville Road, which is associated with the Centerville Farms PUD. Mr. Tedder stated this PUD is being established as a conservation subdivision based on the large amount of conservation and preservation features on the property. According to Mr. Tedder the property has an existing drive to the north, which has limited access to only three parcels. Mr. Tedder stated the southern drive would be the primary access point and would be an extension of the existing paved apron. Mr. George Su, Leon County Growth Management, answered questions from the committee on what type of impacts this would have and if there was any proposed mitigation for this site. Mr. Su stated Growth Management is okay with the access points but would like more information on the exact trees being impacted, including a tree count, and a proposal for mitigation. The committee discussed the need to support staff's recommendation but still be sure the committee sees the final plan.

   **Ms. Beth Kostka made a motion to conceptually approve the design contingent upon the revised plan, which would incorporate all of staff's recommendations, including the access point on Centerville Road not be greater than 24 feet, an itemized list of trees being impacted within the Canopy Road Protection Zone, tree replanting be done with no credit being provided for preserved trees and the area within the Canopy Road Protection Zone along Centerville Road be placed in a conservation easement to Leon County or a 501(C)(3) land trust. Mr. Stan Chapman seconded the motion and it passed unanimously.**

3. **The Grove – The Committee will be presented with a request regarding access to the proposed development on the north side of Old St. Augustine Road to the west of Hendrix Road near the Koger Center in the City of Tallahassee. The request is associated with a proposed limited partition subdivision of a parcel of approximately 1.5 acres.**

   Mr. Marty Geanmers gave a presentation on the request for access to the proposed development on Old St. Augustine Road. Mr. Geanmers reviewed where the access would be located and what impacts it would have. Mr. Geanmers stated they would also be removing the invasive exotics from the canopy and replace with native species. Mr. Tedder stated the Planning Department is recommending the requested access be placed slightly off center away from the hickory tree and toward the pine tree. Mr. Tedder stated this recommendation also includes the removal of the invasive exotics from the canopy and replacement with native species.

   **Mr. Jim Lyle made a motion to approve the access to Old St. Augustine Road with the driveway located just off center away from the hickory tree and toward the pine tree and include removal of the invasive exotics including replacement of the screening with native species. Mr. Stan Chapman seconded the motion and it passed unanimously.**

**B. Old Business**

1. **Centerville Road Sidewalk – Update on the proposed Centerville Road Sidewalk from Gina Tullo, Moore Bass Consulting.**

   Ms. Gina Tullo provided an update on the proposed Centerville Road Sidewalk Project. Ms. Tullo stated the sidewalk is about 1.5 miles long and will run from Hodges Drive to the Blairstone Road Extension. Ms. Tullo explained the decision reached after review of the site by staff was to place the sidewalk along the south side of the road. Ms. Tullo stated the project would consist of mostly on grade concrete sidewalk where suitable and some off grade boardwalk systems where needed.

# TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
## MEMORANDUM

**Draft**

**TO:** Bill McCord, Development Services
Leon County Department of Growth and Environmental Management
**FROM:** Wayne Tedder, Director
Tallahassee-Leon County Planning Department
**DATE:** August 23, 2004
**SUBJECT:** Comments for DRC Meeting of August 25, 2004 on Summerfield PUD Concept Plan

| | |
|---|---|
| PROJECT: | Summerfield PUD (Concept Plan) and Rezoning |
| APPLICANT: | Arbor Properties, Inc. |
| AGENT: | Allen Nobles & Associates, Inc. |
| PARCEL I.D.: | 21-04-51-000-012-0 |
| ZONING DISTRICT: | LP |
| FUTURE LAND USE MAP DESIGNATION: | LP & RP |

**Findings:**

1. Section 10-915(e), *Leon County Code*, establishes the criteria for review and approval of Planned Unit Development Applications. The three criteria are:

   1) consistency with the Tallahassee-Leon County Comprehensive Plan;
   2) consistency with all other ordinances adopted by Leon County; and,
   3) consistency with the purpose and intent of the Planned Unit Development district:

      a. Promote more efficient and economic uses of land.
      b. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
      c. Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.
      d. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.
      e. Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under a conventional zoning district.
      f. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
      g. Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.

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2. The proposed Planned Unit Development district (PUD) would be located within an area presently within the LP, Lake Protection Zoning district. The subject site is designated for both RP, Residential Preservation, and the LP, Lake Protection, on the Future Land Use Map of the *Tallahassee-Leon County Comprehensive Plan.* The entire site lies within the larger area that drains into Lake Jackson, however, a significant portion of the site lies within smaller closed basins that do not drain into Lake Jackson. Pursuant to the description of the Lake Protection future land use category, included as Attachment #1, those closed basins located within the Lake Protection-designated area may be developed with the densities and intensities associated with the Mixed Use land use category (in this location, Mixed Use A is applicable).
3. Sheet CPUD-4 of the application materials indicates the boundary between the Lake Protection and the Residential Preservation future land use category boundaries with a boundary line labeled as "Residential Preservation." There is no corresponding labeling indicating that the Lake Protection future land use category is present on the other side of that line.
4. The applicant has filed an amendment to the *Comprehensive Plan* Future Land Use Map to redesignate portions of the site to Lake Protection. If approved, this would allow non-residential development and development of greater intensity than otherwise allowable within the Residential Preservation future land use category, given that much of this area lies in closed basins not draining into Lake Jackson; however, the PUD concept plan, as revised, proposes only development consistent with the Residential Preservation future land use category within this area.
5. As revised for this DRC meeting, the proposed land use and development standards set out for the PUD are consistent with the Future Land Use Map, with Future Land Use Map boundaries as determined by the director of the Planning Director (see included as Attachment #2).
6. The proposed development is located adjacent to Old Bainbridge Road. Old Bainbridge Road is designated as a "Canopy Road" in the *Tallahassee-Leon County Comprehensive Plan*; ensuing site development must be consistent with the applicable provisions of the *Comprehensive Plan* (included as Attachment #3) and must comply with the regulations set out in §10-972, *Leon County Land Development Code*, Canopy Roads overlay district (included as Attachment #3).

   The Concept Plan application proposes street interconnection from the Planned Unit Development to Old Bainbridge Road. Per Policy 3.4.10 of the Conservation Element of the *Tallahassee-Leon County Comprehensive Plan*, medium and high density residential, commercial and office uses will be allowed on designated canopy roads only where there is alternate access to a road other than a canopy road. §10-972(c)(7), *Leon County Code of Laws*, specifies: "If the site is accessible by roads other than the canopy road, it shall not have direct access to the canopy road." The Concept Plan also illustrates proposed access connections to North Monroe Street and to Skyview Drive (a privately owned street), both 'non-canopy' roads. Consequently, access to Old Bainbridge Road, the canopy road, is not allowed.

Access to Old Bainbridge Road, via an existing driveway, may be established if approved by the Board of County Commissioners, on the basis of protecting the public's health, safety, and welfare. Such access would be limited to emergency service providers; such as, law enforcement, fire safety, emergency medical services, through the installation of a controlled access mechanism (such as siren-activated or infrared-activated gate). The precedence for this response was set by the Board of County Commissioners in 2003 in the approval of the modification of the Westminster Oaks Planned Unit Development.

7. To ensure consistency with the *Leon County Land Development Code* and implementation of the Concept Plan as intended, the development standards for the PUD, set out in Sections 7. B - D of the Concept Plan should be re-iterated on all applicable final plans. Since it is not clear what portions of this application pertain to Concept and which to the Final Plan, these provisions should be reproduced on the oversize plan set, presumed to represent the final plan portion of this application.
8. Section 7.D of the Concept Plan establishes an Architectural Control Committee but the Plan does not provide any detailed information as to the composition of the committee or its operation. This information should be provided within the Concept Plan or within some other appropriate recorded document and cross-referenced in the Concept Plan.
9. The Natural Features Inventory included with the application indicates a number of features requiring protection from development impacts are present on site, including wetlands, areas subject to inundation by the 100-year flood; and, the canopy road protection zone. Small portions of the site are located within special development zones A and B, however, the plan materials received by the Planning Department do not indicate the location of these areas, so it is not possible to verify that they will not be adversely impacted by the proposed development.
10. The Concept Plan's proposed description of allowed land use and development standards do not explicitly prohibit development within and impacts to those environmentally sensitive features present on site, as identified in the Natural Feature Inventory.
11. The second paragraph of Section 3. X of the proposed Concept Plan specifies that a homeowner's association will be established to maintain streets, rights-of-way, utility and drainage easements not dedicated to Leon County. This provision is located under a section named "Streets." It may be more appropriate to locate this under a more general section pertaining to infrastructure control and maintenance responsibilities. In addition, the Concept Plan should clearly distinguish those infrastructures that will be owned and maintained by the County and those that will be owned and maintained by the HOA.
12. The Tallahassee-Leon County Planning Department has identified a location on the subject site possibly used by wildlife (turtles) to come and go from Lake Jackson. This area is located within that portion of the subject site designated Lake Protection on the Future Land Use Map. Given the density limitations in this part of the site, the Planning Department notes that the development intensities associated with the pre-application proposal can be achieved while and this important wildlife corridor preserved through the relocation of propose development on site and establishment of a protective conservation easement for this wildlife corridor.

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**Planning Department Recommendation:**

The Planning Department recommends that this application be approved subject to the following conditions:

1. The Concept Plan graphics shall be revised so that labeling specifies the location of present Future Land Use Map designations.
2. Pursuant to the Canopy Road Management Plan Interlocal Agreement and the Canopy Roads Citizens Committee Bylaws, if the applicant deems it appropriate to provide an emergency vehicle access connection to Old Bainbridge Road, the revised development plan indicating this connection, along with information on impacts to the canopy road resources, should be sent to the CRCC for their review and approval prior to final public hearing on this application by the Board of County Commissioners. If such access is provided, it shall be limited to emergency service providers, such as, law enforcement, fire safety, emergency medical services, through the installation of a controlled access mechanism (such as siren-activated or infrared-activated gate) and be located at an existing access driveway, unless otherwise recommended by the CRCC.
3. To ensure consistency with the *Leon County Land Development Code* and implementation of the Concept Plan as intended, the development standards set out in Section 7 of the Concept Plan (text booklet) shall be added as notes on the Concept Plan (graphic) and, if approved concurrently, on the final plan(s).
4. The Concept Plan and applicable final plans shall be revised to depict portions of the site located within special development zones A and B and to include development standards that ensure the mitigation of development impacts to these and other environmentally sensitive features present on site, as identified in the Natural Feature Inventory, consistent with applicable Goals, objectives, and policies of the *Tallahassee-Leon County Comprehensive Plan.*
5. The Concept Plan shall be revised to clearly distinguish between which infrastructures Leon County will be obligated to operate/maintain and those that are to be the responsibility of the homeowner's association. This information shall be provided within the appropriate section of the Concept Plan; that is, if it pertains to more than just streets and rights-of-way, it is not appropriate to list it under the heading of "Streets."
6. The Concept Plan shall be revised to include or cross-reference documents establishing the Architectural Control Committee referred to in the Concept Plan and including detailed information as to the composition of the committee, its charge, and any other relevant information.

**Preferred Design Alternative:**

The Planning Department recommends that the Concept Plan be modified to create a wider cordon along the western property boundary that may be set aside as a wildlife corridor and preserved through the inclusion in a conservation easement inuring to Leon County.

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## Attachments:

#1: Description of the Lake Protection Future Land Use Category, from the *Tallahassee-Leon County Comprehensive Plan*

#2: Future Land Use Map, as determined by the Director of the *Tallahassee-Leon County Planning Department*

#3: Provisions of the *Tallahassee-Leon County Comprehensive Plan* and *Leon County Land Development Code* pertaining to development impact on and along designated Canopy Roads.

## ATTACHMENT #1

### LAKE PROTECTION

This is a protection category that is specific to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson. The category is based on the lake basin boundary adjusted to primarily include undeveloped areas and existing less intensely developed areas.

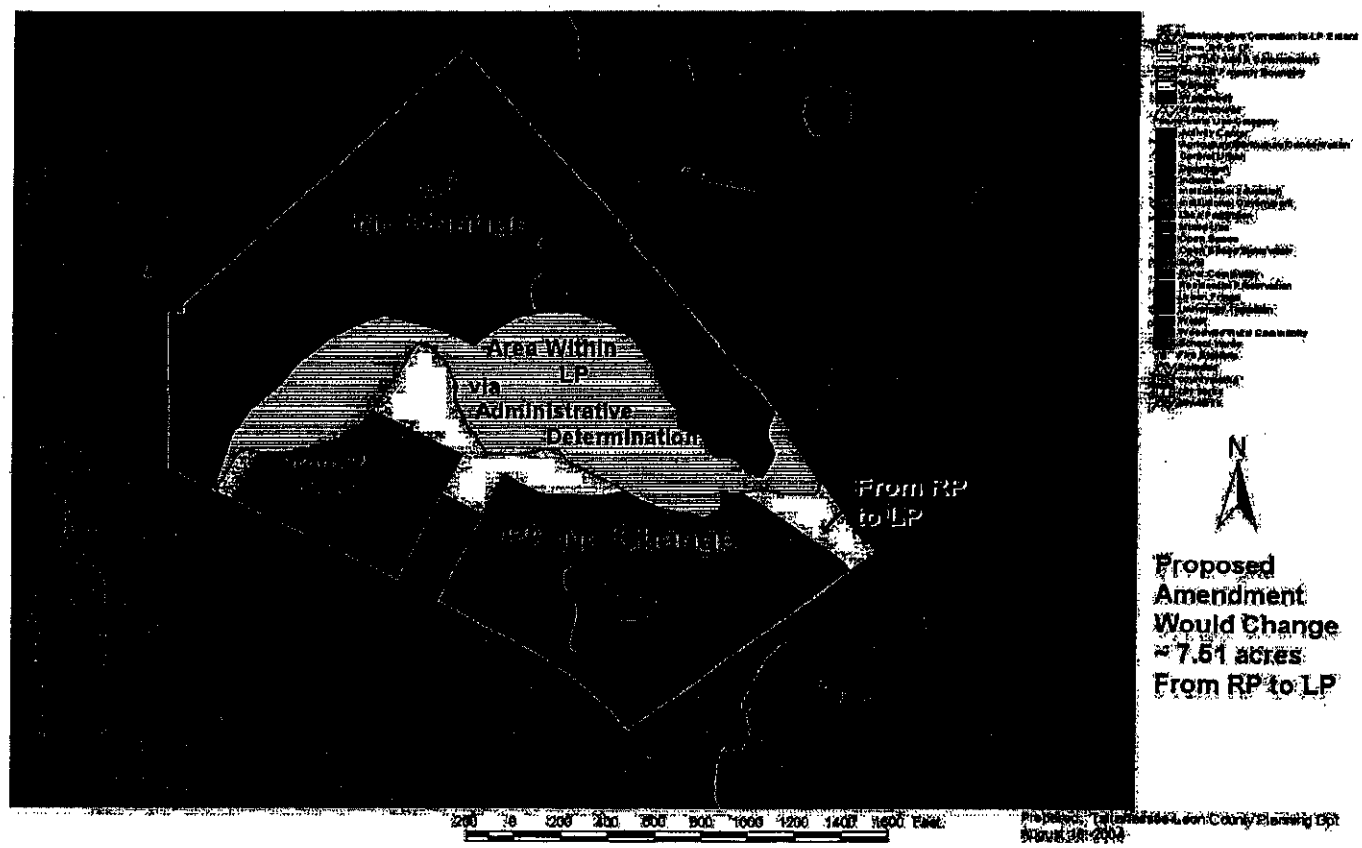
The Lake Protection category allows residential uses of one unit per two acres. An option to develop at a density of one unit per gross acre is available within the City as long as the resultant development clusters the units on 25% of the property and maintains the remaining 75% in natural open space. In the unincorporated part of the County clustering is allowed on 40% of the site at a net density of two (2) units per acre on the developed portion of the property. The remaining 60% of the property must remain in natural open space. Minimum lot sizes under the cluster option are 1/2 acre. The cluster options are designed to preserve green space in this land use category. Cluster of residential development in areas designated for Lake Protection land use shall be permitted only on those portions of parcels not located within the Lake Jackson Special Development Zone and lying below one hundred ten (110) feet NGVD or not determined to be severely limited by environmental constraints. Such constraints may be determined by on-site environmental analysis, building or soil limitation ratings in the Leon County Soil Survey, or other natural resource inventory determined appropriate by the local government.

Industrial, office and commercial uses are prohibited in the Lake Protection category within the city limits. In the unincorporated county, minor office and minor commercial uses may be approved through the PUD process only if development retains its resultant stormwater on site. All industrial, commercial and office uses other than minor are prohibited in the County as well. Urban services are intended for this category inside the Urban Service Area. Additional requirements based on scientific studies and deemed necessary to protect the lake from further degradation, as well as improve existing water quality, will be included in the land development code. Existing non-residential uses within the Lake Protection land use category that meet all water quality standards required in the comprehensive plan by the time frames required in the plan, will be considered permitted uses.

Future development will not be subject to the limitations of the Lake Protection category if can be demonstrated by competent scientific evidence that the development is located in a closed basin that does not naturally or artificially discharge to the larger Lake Jackson Basin. Closed basins must be certified by a registered engineer to the effect that there are no artificial or natural discharges from it. All development within certified closed basins shall be approved through the PUD process, except that in unincorporated Leon County a one into two residential lot split exemption shall be processed according to the established County procedures instead of the PUD process. Within the unincorporated portions of Leon County, stormwater generated by any development must either be retained on-site or filtered through an approved regional stormwater management facility. Densities and intensities associated with the Mixed Use land use category shall be allowed as long as all applicable development standards outlined with the plan, matrix, and subsequent LDRs are met.Within the City of Tallahassee, stormwater generated by any development must either be retained on-site or filtered through an approved regional stormwater management facility within the closed basin. Densities and intensities associated with the Mixed Use A land use category, except tertiary uses, shall be allowed as long as all applicable development standards outlined within the plan, matrix, and subsequent LDRs are met.

## Attachment #2

### Future Land Use Map, as determined by the Planning Director



# Attachment #3

## Canopy Road Provisions from the Tallahassee-Leon County Comprehensive Plan and the City of Tallahassee Land Development Code

### Comprehensive Plan citations

**Conservation Element**

**Objective 3.4:** Local government shall protect, maintain and improve the designated canopy roads.

**Policy 3.4.1:**
By 1992, define specific attributes unique to each canopy road, how to maximize the roadway without destroying it, and identify alternative traffic routes.

**Policy 3.4.2:**
By 1992, develop and implement management plans to maintain each canopy road according to its unique attributes. Such plans shall incorporate appropriate safety provisions.

**Policy 3.4.3:**
Provide an urban forest management professional to assist in implementing canopy road management plans.

**Policy 3.4.4:**
Prohibit new subdivisions and development that would allow development to occur within 100 feet of the centerline of a canopy road without the express approval of the local government. No clearing may occur in the canopy road zone (cpz) (100 feet from the center line of the road) unless authorized for legal access (provided no other alternative exists), or health, safety or welfare of the public or for sidewalk improvements as approved by the local government provided they meet the following criteria:

a. Clearing in the canopy road zone (cpz) will be kept to a minimum.
b. A variety of surfaces will be evaluated for use in the sidewalk/pathway through the CPZ based on impact to the resource (cpz trees and vegetation), location of the sidewalk/pathway, and anticipated use.
c. Sidewalks may not always be required in the cpz given the impact to the cpz or encroachment on other conservation or preservation features.

**Policy 3.4.5:**
Mitigation requirements shall be established and utilized to condition approvals for those projects which intrude on the area within 100 feet of the centerline of a designated canopy road.

**Policy 3.4.6:**
Prohibit subdivision of property along canopy roads which would require the significant increase of driveways to provide legal access to newly created parcels.

**Policy 3.4.7:**
Major criteria for approving development along canopy roads will be the minimizing of traffic

impacts and the limiting of driveway access to the canopy road.

**Policy 3.4.8:**
Integrated access will be required for new subdivisions along canopy roads.

**Policy 3.4.9:**
Land uses which generate or attract large volumes of traffic shall be discouraged along designated canopy corridors.

**Policy 3.4.10:**
Medium and high density residential, commercial and office uses will be allowed on designated canopy roads only where there is alternate access to a road other than a canopy road. A single secondary access to the canopy road on lots which front Capital Circle and a canopy road may be allowed in association with public improvements to such intersections if all of the following criteria are met:
1) Full movement joint or direct access to the arterial is unfeasible;
2) A replanting/restoration plan which enhances and maintains the long term viability of the canopy is guaranteed by the property owner; and
3) Landscaping easements are granted to the city in order to ensure the implementation of a replanting/restoration plan.
These provisions would not apply to parcels having only access from a canopy road within the Activity Center.

**Policy 3.4.11:**
Local government shall allow for certain unpaved portions of Canopy Road designated roadways or road segments to remain unpaved when paving or other roadway improvements would negatively impact the canopy vegetation or the historical or natural character of the roadway.

## Leon County Land Development Code citations

**Sec. 10-972. Canopy roads overlay district.**

**(a)** ***Purpose and intent.*** The purpose and intent of the canopy roads overlay district is to ensure the preservation and protection of the canopy road trees on the following roads:

(1) Meridian Road from its intersection with Seventh Avenue to the state line.

(2) Magnolia Drive--Centerville Road--Moccasin Gap Road from their intersection with Seventh Avenue to State Road 59.

(3) Miccosukee Road from its intersection with Capital Circle to Moccasin Gap Road.

(4) Old St. Augustine Road from its intersection with East Lafayette Street to W. W. Kelley Road.

(5) Old Bainbridge Road from its intersection with Raa Avenue to Capital Circle.

(6) Sunny Hill Road from its intersection with Thomasville Road to Old Centerville Road.

(7) Old Centerville Road from its intersection with Centerville Road to the state line.

**(b)** ***Allowable land use.*** The uses permitted in the canopy road overlay district are those uses permitted in the underlying zoning district.

**(c)** ***Development standards.*** The canopy road overlay includes as all lands within 100 feet from the centerlines of the roadways. The following special restrictions shall apply within the canopy road overlay:

(1) All structures shall be set back a minimum of 100 feet from the centerline of the canopy road.

(2) Any structure which exceeds 40 feet in height must be set back an additional one foot for every one foot in excess of 40 feet in height.

(3) No clearing may occur in the canopy road overlay, (100 feet from the centerline of the road) unless authorized for health, safety or welfare of the public.

(4) Any part of the canopy road overlay that is cleared or has trees removed from it must be widened in some other location by the same amount that was removed.

(5) A full analysis of the impact of a development on the affected canopy road shall be submitted by the applicant at the time of development review.

(6) Joint access to canopy roads shall be required unless there is no alternative. New curb cuts on canopy roads shall be designed to serve more than one development.

(7) If the site is accessible by roads other than the canopy road, it shall not have direct access to the canopy road.