Leon County, Department of Growth & Environmental Management

MEMORANDUM

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, 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.

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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.

- 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).

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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.", <u>or</u>; (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.

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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".

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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.