TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT
MEMORANDUM

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.

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.

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.

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.

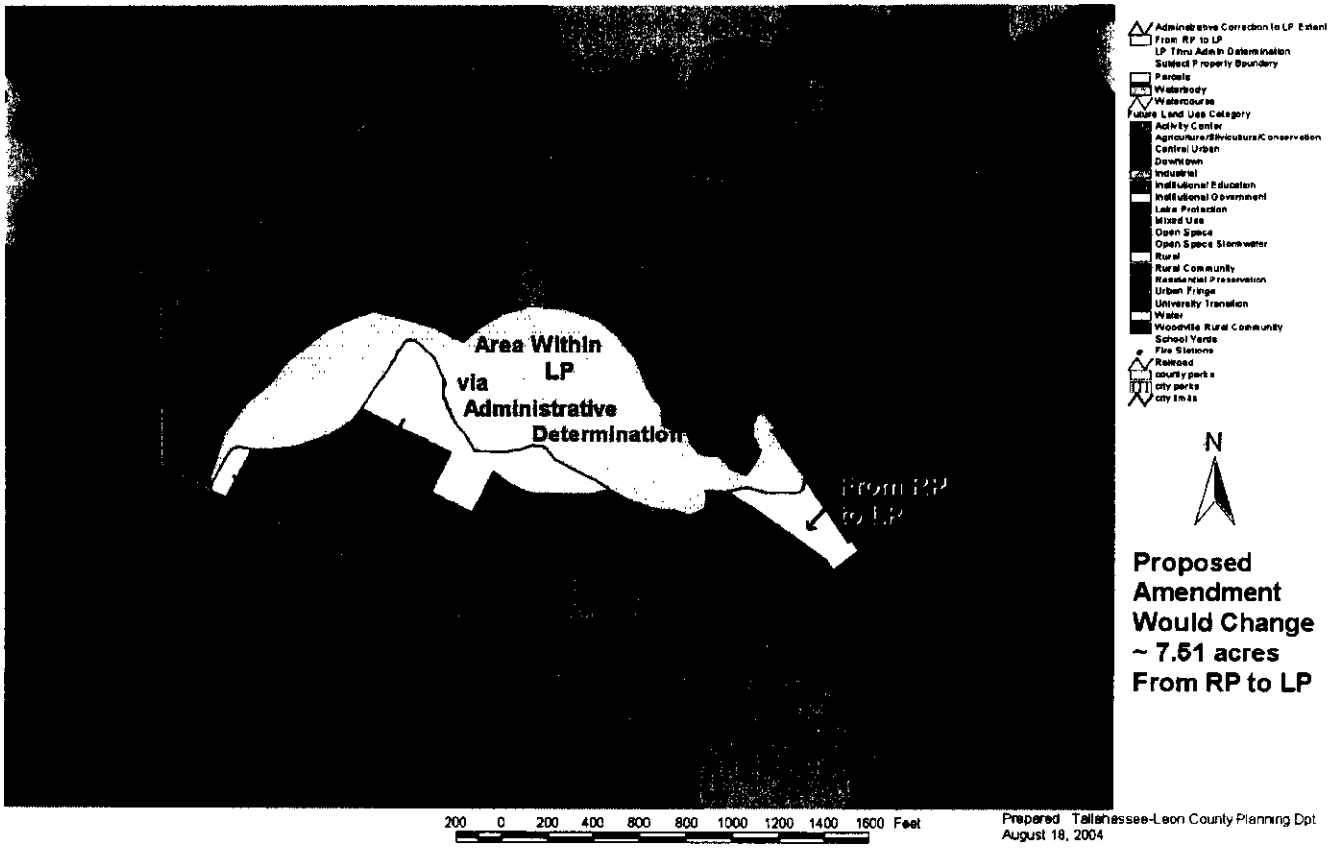
The Lake Protection category allows residential uses of one unit per two acres. An option to develop at a density of one unit per gross acre is available within the City as long as the resultant development clusters the units on 25% of the property and maintains the remaining 75% in natural open space. 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.