Planning Commission Report
Agenda Request

Date of Meeting:	February 1, 2005
Date Submitted:	January 26, 2005
To:	Honorable Chairman and Members of the Planning Commission
From:	Wayne Tedder, AICP, Director Tallahassee-Leon County Planning Department
Subject:	**Application RZ #468:** Public Hearing on a proposed ordinance amending the Official Zoning Map to change the zone classification from the TPA Target Planning Area zoning district (requires four (4) land uses and subsequent rezoning to the PUD Planned Unit Development district) to the C-2 General Commercial zoning district (allows retail and office commercial activities of up to 12,500 square feet of non-residential gross building floor area per acre).

Subject Property Tax ID No.: 14-27-20-210-0000 & 14-21-20-201-0000 (portion)

Statement of Issue:
The purpose of the proposed ordinance (Attachment #1) is to change the zoning on approximately 1 acre of land from the TPA Target Planning Area zoning district to the C-2 General Commercial zoning district. The subject parcels are located on the west side of Thomasville Road and at the northeast corner of the Bull Run PUD. The applicant is the Leon County Board of County Commissioners; the property owner is Mr. Jack Conrad. A general location map is included as Attachment #2. The existing and proposed zoning district charts are included as Attachment #3.

Background:
This rezoning application consists of one parcel and a portion of a second parcel of property. Subject parcel #1, 14-27-20-210-0000, is located on the west side of Thomasville Road and at the northeast corner of the Bull Run PUD, is approximately 0.87 acres and is zoned TPA. This zoning district was put in place during 1997, when the Board adopted amendments to the Official Zoning Map and land development regulations to implement "site specific zoning." During this process, large landholdings (200-1,000 acres) within the urban services area were placed within the Target Planning Area zoning district. This parcel was evidently inadvertently combined with the adjacent approximately 427 acre tract under the ownership (at the time) of Mr. Byron Block, now known as the Bull Run Planned Unit Development, and rezoned to the TPA district. A single family house is presently located on the subject parcel. The portion of the second parcel included in the application, subject parcel #2, 14-21-20-201-0000, is located adjacent to the north of subject parcel #1; this

parcel functions as a private street, "Millstone Plantation Road." This private street provides access to a number of other properties located to the west of the subject property via easement(s). Only that portion of subject parcel #2 adjacent to subject parcel #1 is included in this rezoning application.

The TPA zoning district requires, as a prerequisite of development, that the property be rezoned to PUD and include four (4) land uses. In December, 1996, the Board adopted a goal, objectives, and policies within the Land Use Element of the *Tallahassee-Leon County Comprehensive Plan* that set out planning guidelines to address the rapid development of large-scale development of vacant (undeveloped) areas within the urban services area. Objective 6.1 of the *Tallahassee-Leon County Comprehensive Plan* and its implementing policies, also require that Target Planning Areas be implemented through a PUD that includes four (4) land uses. Given the size of the property, less than one acre, development of four (4) land uses is highly improbable; furthermore, the Leon County Land Development Code establishes a minimum size limitation of 5 acres for planned unit developments. The approximately 427-acre Bull Run Planned Unit Development fulfills all of the applicable requirements for the implementation of the TPA zoning district. Objective 6.1 and related implementing policies are included as Attachment #4.

It should be noted that the Bull Run PUD concept plan includes the requirement to provide interconnection between the PUD and Mr. Conrad's parcel should the parcel be developed with non-residential use.

Analysis:

In accordance with Section 10-840.K (Procedures for ordinance and official zoning map amendments) of the Leon County Land Development Code, the Commission shall consider the following, in determining whether to recommend approval or denial of a zoning map amendment application:

1. Comprehensive Plan: Whether the proposal is consistent with all applicable policies of the adopted Comprehensive Plan.

   The subject site is designated Mixed Use A on the Future Land Use Map of the *Tallahassee-Leon County Comprehensive Plan*. The rezoning of Mr. Conrad's parcel to the C-2 district would represent the establishment of a Village Center development pattern, as established by Policy 1.7.5 of the Land Use Element of the *Plan*. This is compatible with the adjacent Suburban Corridor development pattern established to the south in the Bull Run PUD, in terms of the general commercial land use character and development intensity intended by both patterns. The Suburban Corridor development pattern is described in Policy 1.7.7. Policies 1.7.5. and 1.7.7 are included in Attachment #5.

Per Policy 1.7.5, areas zoned for the Village Center development pattern must have access to an arterial or collector roadway; this standard is met as the pattern would be adjacent to Thomasville Road (potential access). Per Objective 1.5 and Policies 1.5.5 and 1.5.6 of the Transportation Element of the *Tallahassee-Leon County Comprehensive Plan* (included as Attachment #6), which limit access to arterial streets to maintain traffic flow, it is preferable that an additional driveway connection to Thomasville Road not be made from the parcel. Indirect access to Thomasville Road could be provided via the adjacent private Millstone Plantation Road (also included in this application) as well as through internal connection to Bull Run PUD Thomasville Road.

2. Conformance with the Land Development Regulations: Whether the proposal is in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size.

   Millstone Plantation Road, a private road (and a fee-simple parcel owned by Mr. Conrad) connects to Thomasville Road. As noted above, a portion of this property (and road) are included in the application. Mr. Conrad has granted the owners of other properties located further to the west access through easement(s) via Millstone Plantation Road. Water Oak Plantation Road, another privately owned road, is located contiguous to and north of Millstone Plantation Road (the map included as Attachment #7 illustrates the geographic relationship of these roads and subject parcel #1). Millstone Plantation Road, Water Oak Plantation Road, and the adjacent property to the north are within the R-3 zoning district.

   The C-2 district includes the following vehicular access restriction:

   > "Properties in the C-2 zoning district may have vehicular access to any type of street [*note: "type" as used here, is construed to refer to functional classification*]. However, in order to protect residential areas and neighborhoods from non-residential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RHA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, and RP."

   By including the adjoining portion of Millstone Plantation Road within the C-2 district, this issue becomes moot. This approach would allow the subject parcel access via Millstone Plantation Road in compliance with the vehicular access restrictions of the C-2 district and eliminate the need for direct driveway connection to Thomasville Road, preferable in terms of maintaining the operating level of service on Thomasville Road.

   The C-2 zoning district intent specifies a maximum frontage of 100 feet per acre on an arterial roadway and that each C-2 district will not exceed 30 acres in size. The 0.87 acre subject parcel has a frontage of approximately 98 feet along Thomasville Road (an arterial roadway) which would equate to approximately 113 feet of frontage per acre, slightly in excess of the 100 foot per acre standard.

3. Changed Conditions: Whether and the extent to which land use and development conditions have changed since the effective date of the existing zoning district regulations involved which are relevant to the properties.

   The involuntary rezoning of subject parcel #1 to the TPA district in 1977 left the subject property (parcel #1) with limited development options. In pragmatic terms, without rezoning to another district, this property can only be continued to be used as it currently is, low density residential use, as the ability to develop four (4) different land uses on such a small site is practically precluded.

4. Land Use Compatibility: Whether and the extent to which the proposal would result in any incompatible land uses, considering the type and location of uses involved.

   The southern and western boundaries of the subject site are adjacent to a portion of the Bull Run PUD designated for open space. Thomasville Road, a principal arterial street, is located to the east of the subject site. The presence of Millstone Plantation Road and Water Oak Plantation Road along northern perimeter of the site, in combination with design requirements, such as landscaping, should provide a substantial transition between the site and property zoned R-3 to the north. Consequently, incompatible land use impacts would not be anticipated to result from the approval of this requested rezoning.

5. Other Matters: Any other matters which the Commission may deem relevant and appropriate.

   Utility Service Availability. According to Leon County Department of Public Works, the subject site is surrounded by an existing City of Tallahassee Water Franchise area and is bounded to the south and west by an existing City of Tallahassee Sewer Franchise area, so it would appear that water and sewer are available to the site from the City.

   However, Department of Public Works records indicate that the site is not now within an existing franchise area; consequently, in order to provide central water and sewer utilities to the site, the City of Tallahassee would first be required to apply to and receive approval from the Board of County Commissioners to include this site within a franchise area.

   Bradfordville Sector Plan Impact. Mr. Conrad's parcel is located within the area subject to the Bradfordville Sector Plan. The parcel is not located in any of the specified overlay districts that are intended to implement this sector plan and therefore not subject to the standards set out in those districts nor the companion *Bradfordville Site & Building Design Standards Guidelines Manual* (which provides additional design standards for development in the Bradfordville overlay districts). Being located within the area subject to the Bradfordville Sector Plan,

development of the parcel will be subject to compliance with all environmental regulations and stormwater management requirements that apply to the at-large Bradfordville Sector Plan area.

Public Notice – Error, Re-notification, and Public Hearing Schedule. The initial Planning Department notice of this application published in the *Tallahassee Democrat* and provided by mail to owners of nearby property inadvertently omitted Subject parcel #2, 14-21-20-201-0000, the portion of the adjacent "private street," Millstone Plantation Road, from the request. As a result of this defective notice, the Planning Department was required by Statute to thereafter publish and mail a revised notice that referenced both parcels included in the subject site. As a result of statutory requirements pertaining to the timing of notice and the date of public hearing, it became necessary to reschedule the official date of the public hearing in which the Planning Commission will render its recommendation regarding this application, from February 1, 2005 to February 9, 2005. As the February 1, 2005 public hearing on essentially the same matter had already been noticed, the Planning Department recommends that the Planning Commission take the opportunity to hold an additional, elective public hearing for purpose of taking comment on that date, as well.

Response to Advertisement and Notice. The Planning Department mailed 8 notices to property owners within 500 feet of the subject property and published a notice in the *Tallahassee Democrat* (Attachment #5) providing information on this application. To date, the Planning Department has received no written responses.

Options:

1. Hold the Public Hearing on February 1, 2005 for purpose of taking comments; continue the public hearing until February 9, 2005 and at that meeting render a recommendation to the Board of County Commissioners on the proposed ordinance amending the Official Zoning Map from the TPA Target Planning Area zoning district to the C-2 General Commercial zoning district.
2. Recommend approval of the requested ordinance amending the Official Zoning Map from the TPA Target Planning Area zoning district to the C-2 General Commercial zoning district, based on the findings provided herein.
3. Do not recommend approval of the requested amendment to change the Official Zoning Map from TPA Target Planning Area zoning district to the C-2 General Commercial zoning district, based on the findings made on the record at the Planning Commission public hearing.

Recommendation:

Option 1.

Attachments: **[NOTE: Not included in Attachment #4 to BCC Agenda Item]**

1) Proposed Ordinance (To be provided at the Board of County Commissioners' public hearing)
2) General Location Map
3) TPA zoning district and C-2 Commercial zoning district intent statements and standards
4) Objective 6.1 and related implementing policies
5) Policies 1.7.5 and 1.7.7 of the Future Land Use Element of the *Tallahassee-Leon County Comprehensive Plan*: Village Center and Suburban Corridor Development Patterns
6) Objective 1.5 and Policies 1.5.5 and 1.5.6 of the Transportation Element of the *Tallahassee-Leon County Comprehensive Plan*, regarding limited access to arterial streets
7) Map illustrating the geographic relationship of Jack Conrad subject parcel #1, the adjacent portion of Millstone Plantation Road (subject parcel #2), and Water Oak Plantation Road
8) *Tallahassee Democrat* Notice (To be provided at the Board of County Commissioners' public hearing)

DWT/CB/AAB/aab