LEON COUNTY GROWTH AND ENVIRONMENTAL MANAGEMENT

DEVELOPMENT SERVICES DIVISION

DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

Application Name: Chason Woods Conservation Subdivision - Type "C" Site and Development Plan **(LSP090035)**

INTRODUCTION: The purpose of this document is to provide conclusive information for the review of the applicant's submittal for compliance with Article IV, Environmental Management, Article VI, Zoning, and Article VII, Subdivision and Site and Development Plan Regulations, of Chapter 10, Leon County Land Development Code. Final disposition of this site and development plan shall be determined by the Leon County Development Review Committee (DRC).

Date: November 18, 2009 *(Special DRC meeting date)*

Level of Review: Type "C"

Staff Recommendation: Continued to a date certain.

Applicant: J&T, LLC.
3554 Fair Oaks Lane
Longboat Key, FL 34228

Agent: Moore Bass Consulting, Inc.
c/o Edward N. Bass, III, P.E.
805 N. Gadsden St.
Tallahassee, FL 32303
850-222-5678

PROJECT SUMMARY: The application proposes a 498 lot single-family residential subdivision (public) utilizing the conservation subdivision provision of Section 10-7.204 of the Leon County Land Development Code (LDC). The proposed development also includes the development of two (2) non-residential lots within the subdivision. The proposed development is located in the Urban Fringe (UF) zoning district and is designated UF on the Future Land Use Map of the Comprehensive Plan. The proposed development is located outside the Urban Service Area (USA). The parcel, in which the proposed development is located, consists of approximately 697.1 acres. The applicant also indicates a desire for the entire subdivision to fall under the State mandated workforce housing limitations as to price point.

The application proposes to develop the site as a conservation subdivision, placing approximately 62% of the site, which contains environmentally sensitive areas, in conservation easements. Access to the site is proposed via connections to Sunflower Road (minor collector roadway) and County Line Road (local roadway). Proposed residential lot sizes range from a minimum of 0.24 acres to a maximum of 1.09 acres. The two proposed commercial lots consist of approximately 1.67 and 1.64 acres, respectively. The

application also indicates that central sanitary sewer and central potable water will be extended to the site and provided by the City of Tallahassee. It should be noted that the closest central sanitary sewer service is approximately 5-6 miles north of this site.

This Development Review Committee (DRC) review represents the third step within the process established by the Code to secure approval. The final step in the review and disposition of a Type "C" site and development plan application is consideration by the Board of County Commissioners.

Project Planner: Ryan Culpepper, Development Services Administrator
Date of Pre-App: August19, 2009

Date of Technical Staff Review: October 14, 2009

Parcel ID#: 46-13-20-403-000-0

Parcel Size: 697 +/- acres

Location: The proposed development is located east of SR-61 (Wakulla Springs Rd), approximately ½ mile south of Oak Ridge Road at the northeast intersection of County Line Road and SR-61.

Access: County Line Road (Local Roadway) and Sunflower Road (Minor Collector Roadway)

Future Land Use Category: Urban Fringe (UF)

Zoning District: Urban Fringe (UF)

Existing Land Use: Vacant

Infrastructure: Electricity - Talquin Electric Cooperative; Water - City of Tallahassee; Sewage Disposal - City of Tallahassee central sanitary sewer; Streets, utilities and stormwater management facilities including drainage easements - public maintenance (Leon County).

APPLICATION REVIEW CRITERIA

The following criteria, established in the Land Development Code shall be used as the basis to determine whether this application should be approved.

Site Plan and Subdivision Review Criteria: In deciding whether to recommend approval, approval with conditions, or denial of a site plan, the Development Review Committee shall determine the following, pursuant to Sections 10-2.301, and 10-7.405 (Type "C" Review):

(a) *Consistency with the Comprehensive Plan: To be approved, the application shall demonstrate consistency with the Comprehensive Plan.*

(b) *Compliance with the design standards and requirements set forth in the Subdivision and Site and*

Development Plan regulations (Article VII of the Land Development Code): To be approved, the application shall demonstrate compliance with the procedural and substantive requirements for site and development plans, as well as related requirements for platting.

(c) *Compliance with the applicable criteria of Environmental Management have been met (Article IV of the Land Development Code): To be approved, the application shall demonstrate compliance with all applicable sections of Environmental Management including those pertaining to stormwater management, performance and design standards, and tree protection.*

(d) *Compliance with the standards and requirements of the zoning code (Article VI of the Land Development Code): To be approved, the application shall demonstrate compliance with all applicable Divisions of Article VI including the development standards of the Urban Fringe (UF) zoning district, special regulatory overlay districts, parking and loading, and any applicable supplementary regulations.*

(e) *Compliance with requirements of other applicable regulations or ordinances which impose specific requirements on the proposed development have been met (such as, Article II: Division 5, Articles III, VIII, IX, X, XII, and XIII).*

Site and Development Plan Application Approval Criteria. Pursuant to Article VII, Section 10-7.407, Leon County Land Development Code, to be approved, a site and development plan application must demonstrate compliance with the following three general standards:

1. applicable provisions of Article VI, Zoning;
2. applicable provisions of Article IV, Environmental Management; and,
3. other applicable portions of the Land Development Code and other applicable regulations or ordinances which impose specific requirements on site and development plans and development.

FINDINGS:

Department of Growth and Environmental Management Findings: The Department is generally responsible for reviewing site plan application to ensure that the application meets the applicable requirements set forth in Chapter 10 of the Leon County Code of Laws, also known as the Leon County Land Development Code (LDC). Development Services Division's review emphasizes compliance with zoning, site and development plan, and subdivision design regulations. The Environmental Compliance Division's review (attached) emphasizes compliance with the County's environmental management regulations (Article IV of the LDC).

Pursuant to the review criteria identified above, the Development Services Division has reviewed the application and finds the following:

Finding #1: Criteria for approval. The standards set forth in the Land Development Regulations and the Comprehensive Plan control the development within the subject parcel. These standards were applied during the review of this site and development plan.

Comments: *The review of the proposed development and supporting application documents has determined that there are LDC compliance deficiencies. These compliance deficiencies are outlined specifically in findings 3, 4, 5, 6, 9, 11 and 12 of this report.*

Finding #2: Consistency with the Comprehensive Plan. The site is designated Urban Fringe on the Future Land Use Map of the Comprehensive Plan. The Planning Department shall determine that the proposed development is consistent with the Comprehensive Plan prior to finding the application complete.

Comments: The Tallahassee/Leon County Planning Department has determined that this application is consistent with the Tallahassee-Leon County Comprehensive Plan (See Attachment #1).

Finding #3: Compliance with Article III, Land Development Code, Concurrency Management System Implementation Requirements. The proposed amendment shall include documentation from Concurrency Management that the concurrency has been addressed.

Comments: The applicant received a preliminary certificate of traffic concurrency for the proposed development on October 14, 2009. The preliminary certificate will expire on January 14, 2010. The application is also subject to addressing school concurrency. A completed School Impact Analysis form (Attachment #2,) which was received by the Department on November 14, 2009, indicates that the proposed development will create a significant impact on the Leon County School system. Please refer to the Preliminary Certificate of Traffic Concurrency in Attachment #3.

The application has reduced the total number of residential dwelling units, and the revised site plan submittal includes two (2) non-residential lots which are anticipated to reduce the total number of vehicle miles traveled by the residents of the proposed development. Additionally, it is anticipated that the addition of commercial to the development plan will increase internal capture of project trips that would typically travel off-site for similar goods and services planned to be provided onsite. Furthermore, staff anticipates that the development would also benefit from having access to passive recreation amenities within the proposed development, which would be expected to further enhance the opportunity for internal capture of the developments trips onsite, thereby potentially further reducing the proposed project's off-site traffic impact.

Compliance Deficiencies:

a. *A transportation concurrency mitigation agreement has not been finalized to address the applicant's proportionate share mitigation costs for the proposed development's off-site traffic impacts.*
b. *The applicant has not provided documentation which addresses school concurrency deficiencies. A school concurrency mitigation agreement, which addresses the impacts on the school district, between the applicant and the Leon County School Board has not been finalized and/or approved by the School Board.*

Finding #4: Compliance with Article IV, Land Development Code, Environmental Management. The Environmental Compliance Division of the Department of Growth and Environmental Management has reviewed the application to determine whether the amended site and development plan will comply with the Environmental Management provisions of the Code, with regard to potential development impacts upon natural features and environmentally sensitive resources.

Comments: The Natural Features Inventory (NFI) for the application was conditionally approved on October 8, 2009. The conditions of NFI approval have been satisfied as of the date of this report. An Environmental Impact Analysis (EIA) is also required for this application. As of the date of this report, the application's EIA has not received approval or approval with conditions from the County. The EIA

shall be approved or approved with conditions prior to forwarding the proposed development plan to the BCC for consideration.

It should be noted that subsequent to EIA approval, the applicant will be required to apply for and obtain an Environmental Management Permit (EMP) prior to the commencement of any development activity should the development receive final approval from the BCC. For additional information on compliance with the Article IV, please refer to comments from the Environmental Compliance Division included in Attachment #4.

Compliance Deficiencies:

a. *As noted above and outlined in Attachment #4, the applicant has not received EIA approval as of the date of this report. EIA approval is required prior to finding the application complete and forwarding to the BCC for final disposition.*

Finding #5: Compliance with the Urban Fringe Zoning District & Conservation Subdivision Regulations, Sections 10-6.613 and 10-7.204 of the LDC. The Urban Fringe zoning district is intended to provide for low-intensity development that can be accommodated without a full complement of urban services and infrastructure. The district is primarily intended to allow low density residential of no greater than one unit on three acres of land, agricultural, and silviculture activities.

Pursuant to Section 10-7.204, conservation subdivisions are allowed in the UF district. Conservation subdivision design is encouraged to advance environmental resource protection or restoration by analyzing the development parcel so as to locate and coordinate appropriate areas for development and conservation. Such development shall permanently set aside preservation features and canopy road protection zones and, to the greatest extent practicable, other functional open space and sensitive natural resources.

Conservation subdivisions shall be reviewed and authorized pursuant to the site and development plan review and approval procedure provisions of Division 4, Article VII of Chapter 10 of the LDC. In addition to submittals required for appropriate review under other provision of the LDC, pursuant to Section 10-7.204(c)(1), the following submittals shall also be required:

a) A land preservation plan, showing all existing vegetation and proposed changes and new planting, if any; and,
b) A geographic features and land use map of all land within 500 feet of the site that shall indicate floodplains, area hydrography, publicly or privately managed parks or preserves, and adopted or proposed greenways.

Conservation subdivisions shall be made up of two distinct areas: the reserve area and the development area. Pursuant to Section 10-7.204(f)(1), the reserve area shall comprise no less than 50% of the total parcel and shall be contiguous and continuous to the greatest extent practicable with other portions of the site including the reserve area. The reserve area shall be placed under a permanent easement that runs with the land. Subject to approval by the county, the easement may be assigned to the local government or to an existing land trust that is a 501(c)(3) organization for which conservation of resources is a principal goal and which can provide reasonable assurance it has the financial and staff resources to monitor and manage the easement.

Pursuant to Section 10-7.204(f)(2), the development area shall include that portion of the parcel proposed for development at the density established for the land use category and base zoning applicable to the

subject property. The development area shall be located on the least environmentally or otherwise significant portions of the total conservation subdivision parcel in accordance with the applicable provisions of Section 10-7.204(f)(1) paraphrased above. The development area shall comprise no more than 50% of the total conservation subdivision parcel; be contiguous and configured in such a manner as to not adversely interfere with continued farming or silviculture uses in the reserve area; and allow maximum open space to be easily maintained in the reserve area.

Comments: The application proposes subdivision of the subject site into 498 residential lots to accommodate single-family detached dwelling units (the applicant is not proposing the construction of the dwelling units in conjunction with this application), two (2) non-residential lots (the applicant is not proposing the construction of commercial retail buildings in conjunction with this application), supporting infrastructure (streets and stormwater facilities) and open space areas, which are intended to provide an aesthetic amenity within the developed portion of the site.

The application proposes placing approximately 61% of the site, which contains environmentally sensitive areas, in conservation and developing the remaining 39% of the site unencumbered with environmental constraints. Based on the proposed number of residential lots (498) and the acreage eligible for development (697.1 acres), the application proposes a gross density of 1.39 acres per dwelling unit, which complies with the allowable gross density limits of 1.33 acres per dwelling unit for conservation subdivisions in the UF zoning district.

Sheet 4.0 of the site plan provides a note proposing that the conservation easements shall inure to Leon County (43 acres) and the Florida Wildlife Commission (385 acres) and shall be owned by the Chason Woods Home Owner's Association (HOA). The 385 acre tract which is proposed to be encumbered with a conservation easement in favor of the Florida Wildlife Commission presents 55% of the total tract, and demonstrates compliance with the conservation subdivision provisions of the LDC, specifically with the 50% set-aside provision and the non-profit provisions for the designated land management entity. The note also states that Entrix Environmental, Inc. will be the designated Land Management Company. The application proposes to designate the Chason Woods HOA as the responsible management entity, responsible for funding and implementing the land management plan.

Compliance Deficiencies:

a. *Section 10-7.204(d) of the LDC states that minimum lot sizes for conservation subdivisions shall consist of no less than 0.5 acre in size in the UF zoning district. The site and development plan as submitted to the County proposes lots as small as 0.24 acres and, therefore, does not comply with this standard. However, the applicant, in a previous submittal, requested a deviation to reduce the 0.5 acre minimum lot size requirement by 0.25 acres to establish a minimum requirement of 0.25 acres for a portion of the proposed development. The applicant's request for this deviation is considered in conjunction with this application, but requires separate findings, recommendation, and motion by the Board of County Commissioners (BCC). The Department's analysis of the requested deviation is addressed in a separate portion of this report.*
b. *The application proposes several lots that consist of approximately 0.24 acres (shown on Sheets 4.8 and 4.9 of the site plan). These lots would not comply with the minimum lot size requirement of Section 10-7.204(d) of the LDC (0.50 acres), nor would they be consistent with the requested deviation from development standards. Therefore, the application shall be revised to increase the 0.24 acre lot sizes to 0.50 acres to comply with Section 10-7.204(d) of the LDC or, at minimum, be revised to be consistent with the requested deviation from development standards.*
c. *The application does not provide a land preservation plan as required in Section 10-7.204(c). A land preservation plan shall be provided to staff and shall be approved prior to final site and*

development plan review. Additionally, the application also does not provide information for reasonable assurance that the designated organization has the financial and staff resources to monitor and manage the reserve area.

Finding #6: Buffer Zone Standards, Section 10-7.522 of the LDC.
A buffer zone is a landscaped strip between adjacent land uses that is intended to serve a screening function, as well as, provide an attractive boundary between parcels. The width or degree of vegetation within a buffer zone depends on the type of land use(s) on adjacent parcels. The required widths and degree of vegetation plantings for all buffers are outlined in this section.

Comments: According to the buffer chart found in Section 10-7.522, the proposed development will require a Type "A" buffer along the perimeter of the site adjacent to properties zoned Residential Preservation (RP) and developed with single-family homes. The site plan provides a Type "A" buffer along a portion of the perimeter of the site adjacent to RP zoned and residentially developed lots. Please also refer to any additional comments from Environmental Compliance in Attachment #4.

Compliance Deficiencies:

a. *The revised site and development plan does not provide a Type "A" buffer along a portion of the northern perimeter of the site adjacent to lots developed with single-family homes, and therefore, does not comply with this standard. Additionally, a Type "A" buffer shall be provided between the proposed Stormwater Management Facility "I" and the perimeter of the site.*

Finding #7: Compliance with Standards for Special Regulatory Districts. Conservation/Preservation Areas, Sections 10-6.704 and 10-6.705 of the LDC. The proposed development must comply with all applicable regulations pertaining to conservation and/or preservation areas as established in Article IV of the LDC, and within the Conservation and Land Use Element of the Comprehensive Plan if such are identified on site in the EIA. 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.

Comments: The application appears to demonstrate compliance with this section by proposing construction outside of the majority of environmental constraints. This compliance was demonstrated in the required NFI which has been completed for the proposed project.

Finding #8: Compliance with Parking and Loading Requirements, Section 10-7.544 of the LDC.
Parking for residential uses is based on the number of bedrooms per unit. The off-street parking requirements for conventional single family homes is 2 spaces for 1-, 2- and 3-bedroom units and 3 parking spaces for 4 bedroom units. Parking for non-residential uses shall be determined based upon the type of non-residential use(s) proposed for each non-residential lot.

Comments: The application proposes to construct 498 single-family detached residential lots. The application provides a typical lot layout for both the 0.25 acre lot size and the 0.5 acre lot size. The proposed lot layouts indicate the use of side or rear-loaded garages. Both layouts appear to demonstrate sufficient off-street parking for residential uses.

Although the proposed development provides two (2) non-residential lots, no specific commercial uses are proposed in this application. Parking for the non-residential lots shall be determined, in a separate application, at the time each lot is proposed for the development of a specific commercial use.

Finding #9: Compliance with General Layout and Design Standards, Section 10-7.502 of the LDC. The proposed plan of development shall comply with the general layout and design standards in this section. This includes streets, driveways, lots and lot designs, stormwater management areas, pedestrian and bikeways and facilities, proposed utility locations and easements, public/private street designations, utility systems and protection of natural features.

Comments: In regard to other aspects of compliance with Section 10-7.502(b)(2) of the LDC, and consistent with past practices and administrative protocols, the Department of Growth and Environmental Management defers analysis of dimensional requirements for infrastructure to the Department of Public Works. Please refer to the comments from that Department provided in Attachment #5.

Compliance Deficiencies: *The site and development plan shall be revised to address the deficiencies noted in the attached memorandum from Leon County Public Works prior to finding the application complete.*

Finding #10: Signage, Article IX of the LDC. The site and development plan shall demonstrate compliance with the sign regulations of this section.

Comments: The application proposes to create a signage easement near the location of one of the entrances to the proposed subdivision off County Line Road. The application also provides annotation which states that the proposed signage shall comply with Article IX of the LDC. Therefore, the application appears to be compliant with this section. The design criteria of any proposed sign shall be handled at the time of the sign's permitting and the sign shall be installed in accordance with Article IX of the LDC.

Finding #11: Compliance with Standards for Plats, Section 10-7.601 and 10-7.610 of the LDC. No building permit shall be issued for a project that requires platting until a plat has been accepted and approved by the Board of County Commissioners and recorded in the plat books of the County. Pursuant to this Section:

1. A plat must be submitted not more than 36 months after the date on which the site and development plan was approved.
2. The Planning Department or Growth Management Department shall notify the developer in writing whether the plat, as submitted, conforms to the approved site and development plan.
3. The developer or representative shall then submit the original plat to the county engineer in a manner to allow for the review of any easements, design standards, and requirements of applicable county codes.

Comments: Should this application be approved, the property owner/applicant shall be required to complete required steps for platting prior to the sale of any lot or parcel. Annotation shall be provided on the site plan affirming the applicant's acknowledgment of this requirement. Therefore, until the annotation has been added to the site and development plan, the application has not demonstrated compliance with this Section.

Section 10-7.610 of the LDC sets out a standard that requires applications proposing common or shared infrastructure systems to have maintenance agreements, or, in the case of proposed residential subdivisions, such documents as covenants, articles of incorporation, and by-laws for the homeowner's

association, to be reviewed by the County Attorney's Office for form (to ensure that appropriate mechanisms are established to address maintenance and responsibility for the infrastructures).

Compliance Deficiencies:

a. *The site and development plan shall be revised to provide annotation affirming the owner's/applicant's acknowledgement of the requirement to complete the platting process prior to final approval of the site and development plan.*
b. *The application contains areas not dedicated to the public; therefore, pursuant to Section 10-7.610, the application shall provide a draft of the proposed covenants and restrictions for this development to Development Services. The application does not comply with this standard as it does not include a copy of the proposed covenants and restrictions. The Leon County Attorney must approve the proposed covenants and restrictions as to form prior to final site plan approval.*

Finding #12: Compliance with Other Regulations Applicable to Site and Development Plan Applications. The application shall address any other applicable deficiencies as well as the comments and deficiencies of other technical staff reviewers.

Compliance Deficiencies:

a. *The application shall be revised to address the deficiencies noted by the Tallahassee Fire Department in Attachment #6.*

Findings Pertaining to the Applicant's Request for a Deviation from Development Standards - Minimum Lot Size Requirement in the Urban Fringe Zoning District

Finding #D1: Deviation from Development Standards, Section 10-1.106(c) of the LDC. The entity with the authority to approve, approve with conditions, or deny a site and development plan (the Board of County Commissioners in this instance) may grant a deviation under this section only upon demonstration that:

1. The deviation will not be detrimental to the public's health, safety, or welfare or to the surrounding properties; and
2. There are exceptional topographic, soil, or other environmental conditions unique to the property; or
3. There are unusual conditions which are not ordinarily found in the area; or
4. The deviation requested would provide a creative or innovative design alternative to substantive standards and criteria; or
5. The strict application of the requirements of this ordinance will constitute a substantial hardship to the applicant; and,
6. The granting of the deviation is consistent with the intent and purpose of this ordinance and the comprehensive plan.

Comments: The BCC is obligated to review the deviation requests accompanying site and development plan applications. The BCC may approve the request only after finding that the request satisfies the criteria of Section 10-1.106 of the LDC. Should the BCC find that the request does not satisfy Section 10-1.106, then the application would be presumed not to comply with that Section of the LDC and the deviation request should be denied..

Finding #D2: Applicant's Requested Lot Size Deviation - Description. The applicant requests deviation from the minimum lot size requirement of the UF zoning district development standards (Section 10-6.637). The applicant's request is outlined below:

Comments: *Pursuant to Section 10-7.204(d) of the Leon County Land Development Code (LDC), the minimum lot size for conservation subdivisions within the Urban Fringe (UF) zoning district shall consist of no less than 0.50 acres. The applicant's revised site and development plan resubmittal proposes lot sizes consisting of 0.24 acres or larger. The applicant submitted a request for a deviation from development standards on September 23, 2009, to decrease the minimum lot size requirement by 0.25 acres, resulting in a minimum lot size requirement of 0.25 acres. The applicant's deviation request does not address or allow if approved the 0.24 acre lot sizes noted on the revised site and development plan that was submitted to the County for review.*

Finding #D3: Applicant's Requested Lot Size Deviation - Compliance with Applicable Criteria. To obtain approval, the applicant's request must demonstrate compliance with the criteria set out in Section 10-1.106, specifically #1, that the deviation would not be detrimental to the public's health, safety, or welfare; #6, the deviation would be consistent with the intent and purpose of the ordinance providing for deviations and consistent with the Comprehensive Plan; and any one of the other four criteria (#2 - #5).

Comments: *Policy 2.2.2 of the Comprehensive Plan describes the Urban Fringe future land use category, which includes the subject site, and establishes the general land use types and intensities allowable within the affected area. This policy provides that conservation subdivisions shall be allowed in the UF district if the development is density neutral, permanently sets aside 50% of the total parcel as open space and restricts development to the least environmentally sensitive and otherwise significant portions of the land. The Comprehensive Plan does not address minimum lot size requirements in the UF future land use category. The conservation subdivision provision of the LDC (Sec. 10-7.204) provides specific development standards, including minimum lot size requirements for applications proposing conservation subdivisions. Section 10-7.204(d) requires that the minimum lot size for applications proposing conservation subdivision in the UF district shall be no less than 0.50 acres. The maximum density allowed in a conservation subdivision shall be one dwelling unit per 1.33 gross acres of the total parcel.*

In an effort to obtain up to the maximum allowed density that could be achieved pursuant to the conservation subdivision provisions for the UF zoning district, the applicant proposes to develop a majority of the site (approximately 89% of the developable area) with 0.25 acre lots, with the remainder of the proposed lots consisting of 0.50 acres or more. Based on the total acreage, the applicant could theoretically be allowed to develop up to 524 residential lots (697 acres/1.33=524 units), provided the applicant receives approval of the requested deviation to the minimum lot size. Clearly, to obtain the maximum density provided for in the Comprehensive Plan and the LDC, a deviation from the conservation subdivision lot size development standard would be required. The effect of requiring a deviation to obtain the maximum density set out in the Comprehensive Plan, as opposed to making it "automatic," functions as a check mechanism, to ensure that the proposed development will not be likely to create an adverse impact that could otherwise result from the smaller minimum lot size.

Pursuant to Policy 1.2.1 of the Sanitary Sewer Element of the Comprehensive Plan, developments proposing the use of onsite septic systems for sewage disposal would be required to provide lot sizes consisting of no less than 1/2 acre. In addition, developments located outside the Urban Service Area in the UF district are not generally anticipated to have access to central sanitary sewer and central potable water service. However, the applicant in this instance is proposing to extend central sanitary sewer and central potable water service to the site, potentially enabling the development of lots consisting of less than 1/2 acre. The applicant has provided documentation from the City of Tallahassee regarding their ability to serve the development with both sewer and water service, and has approved a utility concept plan indicating the extension of central sewer service to the site (Attachment #7).

The connection of the proposed development to the City of Tallahassee's central sanitary sewer system would result in less nitrogen particulates in the groundwater system on a per dwelling unit basis than would an onsite septic system. Both staff and the County's Science Advisory Committee (SAC) believe central sewer is the preferred alternative, especially with the City's financial commitment to modifying their wastewater treatment plant to Advanced Wastewater Treatment (AWT) standards, which will reduce the nitrogen output to 3 mg/l. Standard septic systems have a loading of 30-50 mg/l of nitrogen. Replacing these systems with central sewer service at AWT standards would provide a significant nitrogen loading reduction. Where central sewer service is currently not available in the primary springs protection area (the Chason Woods proposal is located in this area), the Board is considering requiring Performance Based Septic (PBS) Systems (denitrifying systems), which could potentially reduce the nitrogen loading down to 10 mg/l at the exit of the tank. However, the technology and testing for these systems have shown problems with meeting the reported 10 mg/l requirement. Realistically, the PBS systems may reach nitrogen loadings of 15 to 20 mg/l. Therefore, it would appear that the central sewer option may still the best option available for reducing nitrogen output for the disposal of waste water associated with the proposed development. However, it should be noted that there is no formal study projecting mass balance for the future. The SAC analyzed the PBS systems in conjunction with their review of the springs protection Comprehensive Plan amendment that would require them, and found that the preferred alterative was central sewer service followed by the PBS systems. The SAC estimated if standard septic systems are allowed versus central sewer, the rate of loading would be much higher due to the differential mentioned above.

With regard to the issue of precedence, it should be noted that deviations to a lot size within a conservation subdivision has only occurred on one other occasion, in the Talquin Meadows Conservation Subdivision located in western Leon County near Lake Talquin. In that particular instance, a deviation was granted to a very small percentage (26%) of the total lots proposed in the development, and allowed only a 37.5% decrease in the applicable minimum lot size requirement. The proposed Chason Woods application requests a deviation to 89% of the total lots and a 50% reduction in the applicable minimum lot size requirement. Without the deviation, the applicant may still be able to potentially develop up to 214 residential dwelling units on 0.50 acre lots utilizing the conservation subdivision provision. Otherwise, the applicant could develop the site using the standard subdivision process, which would require a 3.0 acre minimum lot size, potentially allowing up to 142 residential dwelling units, outside environmental constraints. Any recommendation regarding the deviation proposed for the Chason Woods application should be considered in light of its future precedent and at minimum be justified based on the precedence of the deviation approved for Talquin Meadows development. This parameter was noted to the applicant subsequent to their Tech Staff review submittal; however, to date the applicant has not provided sufficient information in this regard.

Additionally, the proposed project is located in a very environmentally sensitive area of the county. Recent actions by the Board have memorialized this by formerly establishing the Woodville Springs Protection Area in the Comprehensive Plan with plans to provide for density transfers within the area and to require advanced treatment septic systems for all new development by 2010. Apart from the springs protection issues, aquifer protection is also a primary concern due to the karst features in this region of the County. Therefore, the established environmentally sensitive nature of the property and the area surrounding the proposed development would require that extensive environmental analysis be completed before a final recommendation and/or decision regarding the request for a deviation from the applicable minimum lot size requirement be tendered. As of the date of this report, this environmental analysis has not been completed.

Therefore, based on the above analysis and in consideration of the substantial public policy issues involved (central sewer extension, springs protection, and the potential precedence for future deviation

requests), the Development Services Division is unable at this time to provide a recommendation regarding the proposed deviation from development standards request. The deviation will be readdressed subsequent to the applicant supplementing their previous submittal to specifically address the issues noted above. If the applicant is unable to sufficiently address and/or justify the deviation request, and based on the substantial public policy issues involved, Development Services staff will recommend that the Development Review Committee defer decision on this deviation request to the Board of County Commissioners.

RECOMMENDATIONS

MINIMUM LOT SIZE DEVIATION RECOMMENDATION:

Based upon Findings D2-D3 above, the Development Services Division recommends that the Development Review Committee defer decision of this deviation request until the outstanding issues noted above have been specially addressed by the applicant in a resubmittal to the County.

SITE AND DEVELOPMENT PLAN RECOMMENDATION:

Based on the compliance deficiencies cited in findings 3, 4, 5, 6, 9, 11 and 12 above, the Development Services Division recommends that this application be continued to a date certain. The applicant shall revise the site and development plan to address the following deficiencies prior to further consideration by the DRC:

1. The site and development plan shall be revised to address the deficiencies noted in Finding #3 of the staff report. More specifically, the applicant shall address the deficiencies noted in Findings #3a and #3b.
2. The site and development plan application shall be revised to address the deficiencies noted in Finding #4 of the staff report. More specifically, the applicant shall provide documentation that demonstrates that the conditions of the Environmental Impact Analysis Amendment have been approved by the Environmental Compliance Division.
3. The site and development plan application shall be revised to address the deficiencies noted in Finding #5 of the staff report. More specifically, the applicant shall address the deficiencies noted in Findings #5a, #5b and #5c.
4. The site and development plan application shall be revised to address the deficiencies noted in Finding #6 of the staff report.
5. The site and development plan application shall be revised to address the deficiencies noted in Finding #9 of the staff report.
6. The site and development plan application shall be revised to address the deficiencies noted in Finding #11 of the staff report. More specifically, the applicant shall address the deficiencies noted in #11a and #11b.
7. The site and development plan application shall be revised to address the deficiencies noted in Finding #12 of the staff report. More specifically, the applicant shall address the deficiencies noted in #12a.
8. The site and development plan application shall be supplemented to demonstrate compliance with the outstanding issues noted in the findings and analysis provided with regard to the request for a deviation from development standards for the applicable minimum lot size requirement for the proposed development.

Preferred Design Alternative:
The application should be revised to provide for internal passive recreation opportunities to provide an additional amenity for the residents and to further facilitate the internal capture of the development's traffic and subsequent reduction in the project's anticipated off-site traffic impact.

Responses to Notification:

168 notices mailed
7 responses returned
10 returned as undeliverable

The nature of the majority of the responses ranged from concerns regarding traffic impacts and density to environmental protection and stormwater runoff.

Attachments:

1. November 18, 2009, memorandum from Zach Galloway, Tallahassee/Leon County Planning (memo will be submitted at or prior to the DRC meeting)
2. November 17, 2009, School Impact Analysis from Leon County School Board
3. November 17, 2009, memorandum from Ryan Guffey, Concurrency Management
4. November 18, 2009, memorandum from Charley Schwartz, Environmental Compliance
5. November 17, 2009, memorandum from Kimberly Wood, Leon County Public Works
6. November 18, 2009, memorandum from Maurice Majszak, Tallahassee Fire Department
7. November 12, 2009, Utility Concept Plan approval (with conditions), City of Tallahassee Utilities
8. November 12, 2009, letter from Crystal Wakoa, 108 Passionflower Ln, Crawfordville, FL 32327
9. November 12, 2009, letter from Charles Donahue, President of Liberty Ridge Homeowners Association, P.O. Box 124, Woodville, FL 32362
10. November 16, 2009, email from Gregg Burgett, 980 Sora Rd, Tallahassee, FL
11. November 16, 2009, email from Tony Biblo, Tallahassee, FL
12. November 17, 2009, letter from Zoe Kulakowski, representing the Buck Lake Alliance, 1320 Blockford Ct West, Tallahassee, FL 32317
13. November 16, 2009, letter from Wakulla County Planning & Community Development Department (also includes a November 11, 2009 letter from Dan Beaty, PBS&J)
14. November 13, 2009, letter, received November 17, 2009 from Mary E. Dyal, 9304 Elgin Rd., Tallahassee, FL 32305

Comments from the Tallahassee/Leon County Planning Department were not available at the time the Development Review Committee Staff Report was distributed. The report from the Planning Department will be provided at or prior to the Development Review Committee meeting on November 18, 2009 at 10:00 a.m.

SCHOOL IMPACT ANALYSIS FORM

Attachment # 2
Page 1 of 1

Site and Development Plan
FOR RESIDENTIAL PROJECTS ONLY

Project Name: Chason Woods	**Date**: 10/14/2009
Agent Name: Moore Bass Consulting	**Telephone: 850-222-5678**
Applicant Name: J & T LLC	**Fax: 850-681-2349**
Address: 805 N Gadsden, Tallahassee FL 32303	**Email:** kburnsed@moorebass.com

① Location of the proposed project:

Tax ID #: 46-13-20-403-0000

Property address: on County Line Road at CR 61

Related Application(s) [if applicable]:

Level of Review *[See PUV, if Applicable]*: Type C site plan

② Future Land Use Map category and Zoning designation:

Future Land Use Map category: Urban Fringe

Zoning district: Urban Fringe

③ Development Specifics:

Number of proposed dwelling units: 498

Type(s) of dwelling units, (provide # for each type, e.g. single family & multi-family):

Single family detached

Base square footage of dwelling units: generally less than 2,000 sq ft (estimated)

***Leon County Schools staff use only*:**

④ School concurrency service areas (attendance zones) in which property is located.

	Elementary: Woodville	***Middle:*** Nims	***High:*** Rickards
Present capacity	87	590	642
Post Development capacity	-155	488	536

Is additional coordination with Leon County Schools necessary? X Yes ____ No

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

TLCPD
Tallahassee-Leon County Planning Department

LEON

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

Date: November 17, 2009

To: Ryan Culpepper
Development Services Administrator

From: Ryan Guffey, AICP
Concurrency Management Planner

Subject: Chason Woods Concurrency

The Concurrency Management Section has reviewed the traffic impact analysis for the Chason Woods Subdivision. The applicant received a Preliminary Certificate of Concurrency (PCOC) on October 14, 2009. The PCOC will expire on January 14, 2010. Staff is in the process of drafting the concurrency agreement, which outlines concurrency mitigation for two (2) segments of Wakulla Springs Road and one (1) segment of Woodville Highway. The mitigation will cost $1,146,342 which will be paid in phases prior to the final plat being recorded for each phase. According to Policy 6.1.3(4) of the Leon County Concurrency Management Policies and Procedures Manual, all concurrency agreements in excess of $500,000 require BCC approval. The PCOC is Attachment #3.

A completed School Impact Analysis Form was received by the Department on November 14, 2009, indicated that the proposed development will create a significant impact on the Leon County School System. The applicant and Leon County School Board staff are still working on an agreement to mitigate impacts to the school system.

The applicant has reduced the total number of residential dwelling units, and the revised site plan submittal includes two (2) non-residential lots which are anticipated to reduce the total number of vehicle miles traveled by residents of the proposed development. Additionally, it is anticipated that the addition of commercial to the development plan will increase internal capture of project trips that would typically travel off-site for similar goods and services planned to be provided onsite. Furthermore staff anticipates that the development would also benefit from having access to passive recreation amenities within the proposed development, which would be expected to further enhance the opportunity for internal capture of the development trips onsite, thereby potentially further reducing the proposed project's off-site impact.

Compliance Deficiencies:

a. A transportation concurrency mitigation agreement has not been finalized to address the applicant's proportionate share mitigation costs for the proposed development's off-site traffic impacts.
b. The applicant has not provided documentation which addresses school concurrency deficiencies. A school concurrency mitigation agreement, which addresses the impacts on the school district, between the applicant and the Leon County School Board has not been finalized and/or approved by the School Board.

Leon County, Department of Growth & Environmental Management

MEMORANDUM

TO: Ryan Culpepper
Development Services Administrator

FROM: Charley M. Schwartz, P.E. CMS
Senior Environmental Engineer

DATE: November 17, 2009

RE: Chason Woods Conservation Subdivision
Type "C" Site & Development Plan
Development Review Committee Meeting – November 18, 2009
Parcel ID: 46-13-20-403-0000

The applicant for the referenced project is seeking DRC approval of the 62-sheet (Including the cover sheet) site and development plan set titled:

TYPE "C" SITE & DEVELOPMENT PLAN
FOR
CHASON WOODS
A CONSERVATION SUBDIVISION
(A PUBLIC SUBDIVISION)

Environmental Compliance staff has completed their review of information and plans submitted for the referenced project (received by LCGEM on November 4th, 2009). The project has not received EIA approval.

A report evaluating post development impacts on the Hydrocycle of existing wetland communities at the site was not received in time for staff to review and evaluate prior to the DRC meeting (report not received as of 12:00 pm on 11/17/09). In addition the latest revised stormwater management report and supplemental geotechnical addendum supporting the design of the proposed post-development SWMFs was not received until 4:00 pm on 11/16/09. Staff has only completed very preliminary review of the stormwater materials received and is unable to provide a reasonable determination of whether the report demonstrates that the SWMFs will mitigate post-development impacts consistent with LDC requirements.

Consistent with the status of the review as outlined above, we can not provide conditional EIA approval at this time and recommend a continuance.

Staff time and schedule permitting, it is conceivable that we could complete review of the newly submitted materials and provide detailed feedback by next Wednesday (11/25).

Should you have any questions or need additional information, please contact me.

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

DATE: Originally Issued: October 13, 2009 Updated: November 17, 2009

TO: Ryan Culpepper, Development Services Administrator

FROM: Kimberly A. Wood, P.E., Chief of Engineering Coordination

SUBJECT: Type C Review of Chason Woods Subdivision for October 14, 2009, Technical Review Meeting

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Updated information shown in italics. Public Works is recommending a continuance of this application until the issues described herein have been resolved.

The information submitted for review is no longer valid, since the agent notified staff that they would be seeking to change from a cluster subdivision to a conservation subdivision; Therefore, the comments below are general comments for the applicant's information and will be revised as more information becomes available.

1. The details sheet must include typical section representing each proposed typical, including right of way widths and utility easements. In addition, any travel proposed in excess of County standard 10 foot must include a justification for the increase. Any increase in travel lane must be approved by the County Engineer and if approved the right of way must be increased to accommodate utilities in their proper corridor. There appear to be several roads in the Geometry Plans shown with 2 – 11' lanes, while there is not typical that would allow the 11' travel lanes and the r/w has not been adjusted accordingly.

   Issue resolved.

2. The proposed lot layout needs to identify the proposed materials for driveways. If the applicant is proposed shared driveways as indicated in the smaller lot layout, there must be a shared access easement, with appropriate dedication information and maintenance responsibilities addressed.

   Shared driveway easements are not defined as to limits (dimensions), dedications, or maintenance responsibilities. Plans do not indicate the means by which property owners will be required to share drives.

3. Since this is to be a platted subdivision the plans must include preliminary plat with conventional information required for platting, including but not limited to:
   a. Dedication information must be provided for easements, common areas, row, etc.
   b. Limits of easements must be clearly delineated.

   Dedication information remains unclear. Dimensions are missing for conservation easements. Final Plat will not include wetlands and their buffers, gopher tortoise recipient lands, 100 year flood plain, so plans must be revised to remove these features from the preliminary plat or the drawings should be noted to that effect. Gopher Tortoise Recipient Lands must be defined

   Conservation Easements are noted for dedication to Leon County and FWC. Plans must be modified to reflect whether separate easements and overlapping easements will be granted or if it is intended to dedicate to both entities in the same easement. Growth Management needs to advise if dedication to both entities in the same document is acceptable.

4. Plans must be revised to clearly demonstrate that access easements are removed from conservation easements, no overlapping.

   Access and cemetery easements shown in the northwestern portion of the subject property must be shown with dimensions and dedications and must be removed from the Conservation Easement and any other easements indicated on other sheets, such as Gopher Tortoise Recipient Lands.

5. Phasing lines must be clearly delineated on all sheets to ensure that the appropriate infrastructure is built to support each phase. Plans should also include a phasing schedule.

   Phasing lines must be shown in all locations and sheets where they exist. Phasing lines are not shown on some geometry sheets. Plans must also be modified to reflect temporary turnaround construction where roads cross phases.

6. The applicant will need to provide documentation that the City of Tallahassee Electrical Section will permit the construction within their utility easement.

   Public Works will defer further comment on this issue since applicant has indicated such approvals will be forthcoming. Public Works notes that the applicant is at risk in this regard, as failure to satisfy City Electric to the extent that they will sign the joinder for the plat may invalidate this site plan approval, if issued.

7. Plans must be revised such that all proposed sidewalks are connected, dimensioned, and noted to be built to FDOT and ADA standards.

   Issue resolved.

8. Plans must be revised to include more information on all SWMFs including but not limited to, discharge points, conveyance systems to facilities, limits of the facility including appropriate dimensions of maintenance berms, graded and stabilized access points to facilities, including the toe of any berms and outfall structures, turning movement or turn arounds where needed, how off-site water will addressed through the site, etc. Note all conveyance systems and SWMF must be located in a properly dedicated drainage easement if not located in r/w.

   Plans are deficient in that ponds are not shown on an overall plan sheet with keys to the detail sheets, making review difficult. SWMF boundaries do not allow sufficient access to toe of berms and outfall structures to allow for maintenance. Routing 36 inch diameter stormwater conveyances through a pond berm is to be avoided. The provided geotechnical information is not consistent with the revised plans. Ponds are proposed over wetland and karst features, with pond bottoms to be several feet lower than the wetland low points. It would appear that pond "E" is proposed to be constructed over an active karst feature (K-40).

9. Privately maintained SWMFs are required to meet County Standards, therefore there is no reason to have SWMFs dedicated to the HOA. SWMFs shown as maintained by HOA adjacent to the power line easement must be designed to meet County standards.

   Original issue has been resolved, however that resolution has resulted in other issues. Several drainage easements are shown on the plans to be maintained by the HOA, but the plans do not indicated any improvements in those areas. Plans should be modified to remove these easements or show improvements.

10. Plans must be revised to include proposed conveyances within 30 foot drainage easements dedicated to Leon County. Improvements should be offset within the easement to allow maintenance access. Notes

prohibiting improvements within drainage easements limiting access and/or function must be included on the plans.

Plans must be revised to include improvements within any proposed drainage easements. Easements must be of sufficient width to support maintenance. Plans must provide notes that fencing or blocking easements will be prohibited by the HOA covenants and restrictions.

11. SWMFs should exclusive of existing floodplains, which could be potentially active karast features, or if inactive, any excavation associated with the SWMFs could potentially reactivate them.

    Ponds "F", "K" and "L" include significant floodplain within the stormwater facilities proposed. Plans do not indicate mitigation of flood volumes eliminated by inclusion of floodplains within SWMFs.

12. Signs and other improvements can not interfere with existing "Ingress/Egress" easements parallel to Countyline Road.

    Issue resolved.

13. Covered bus shelters can not be located within proposed public right of way.

    Issue resolved.

14. The proposed typical lot layouts include notations that the rear property will be preserved native vegetation/natural areas, is this required? If so, will these areas need to be included as easements?

    Issue resolved.

15. Provide more information on adjacent properties within 300 feet of all proposed connections, including but not limited to driveways, sidestreets, etc. Show site triangle for the proposed drive. Permits needed from Wakulla County and Leon County, Driveway Connection, and possibly Utility permits.

    Issue resolved.

    Additional issues to be addressed:

    a. *Black bear warning signs are to be removed from the site plans. If conditions warrant such signs, Leon County will place same after construction is completed.*
    b. *The plans must be revised to note that the proposed connection to Sunflower Road is conceptual only and that it will be modified and finalized during construction plans review and approval.*

TALLAHASSEE FIRE DEPARTMENT
SITE PLAN REQUIREMENTS

Project Name:	Chason Woods Conservation Subdivision "C"
Parcel ID #	46-13-20-403-000-0
	LSP090035
AGENT:	Moore Bass Consulting, Inc.
PLANNER:	Ryan Culpepper
MEETING DATE:	November 18, 2009

Located at the east side of Wakulla Springs Road, approximately one-half mile south of Oak Ridge Road, and bordered on the south by County Line Road, the proposed project is for a residential subdivision with two commercial lots.

The Fire Department has no issues.

Maurice Majszak
Tallahassee Fire Department
Senior Plans Examiner
327 N. Adams St
Tallahassee Fl 32301
(850)891-7179
Maurice.Majszak@talgov.com

Attachment # 7
Page 1 of 1

CONCEPTUAL DESIGN APPROVAL

The conceptual design and layout shown herein are approved as noted in red. Sizes, exact locations, and other details are to be determined by the project engineer during design. Situations discovered during design which result in changes to this design concept shall be discussed with and approved by the Engineering Manager of designee. Significant changes may require resubmittal of conceptual design.

Approval is for concept plan only, not for final design and is valid for one year.

Water Utility 11/10/09 Date

*SEE CONDITIONS BELOW'S CORRECTIONS/ADDITIONS ON 7.0, 7.3, 7.4, 7.8, 7.9's 7.14.

NORTH

Water Resources Engineering Conditions of Approval:

1. A Utility Letter of Agreement between the City and the Developer will be required for this development prior to construction of the water and sewer infrastructure. The Developer shall request a pre-development meeting with the City prior to execution of the letter of agreement.
2. Prior to the Developer requesting a pre-development meeting, the Developer's Engineer shall prepare, and have approved by the City, a water and a sewer model for the proposed water and sewer system respectively.
3. The Developer shall survey the off-site water and sewer routes and the proposed off-site concept plan shall be incorporated into said survey before a pre-development meeting can be scheduled.

NOGATEE ROAD

MOD CONS TALLAHASSEE

PROJECT NAME
CHASON WOODS
A CONSERVATION SUBDIVISION

CLIENT NAME
J & T, LLC
3554 FAIR OAKS LANE
LONGBOAT KEY, FLORIDA 34228

REVISIONS

Attachment # 8
Page 1 of 1

108 Passionflower Lane
Crawfordville, FL 32327
November 9, 2009

RECEIVED
Leon County
NOV 12 2009
Growth & Environmental Management

Leon County Growth & Environmental Management Department
Development Services Division
Renaissance Center, 2nd floor
435 N. Macomb Street
Tallahassee, FL 3230-1019

re: Chason Woods Subdivision
DRC Review: November 18, 2009

Dear Sirs:

I am writing to voice my concerns regarding the proposed Chason Woods subdivision.

As a 25 year Wakulla County resident, a lover of Wakulla Springs, a sinkhole owner, and a concerned citizen who worked hard on the process of getting the City of Tallahassee to adopt advanced wastewater treatment standards for their sewage treatment facility, I vehemently oppose the proposed Chason Woods development.

As you must be aware of, the property, which is in the Leon County Springs Protection Zone, has many sinkholes and other karst features that contribute to the aquifer and most likely are directly connected to Wakulla Springs.

My primary concerns are two:

1. The developers are proposing to run sewer line to Woodville and their proposed development. The sprayfield on Tram Road cannot handle the current loading, especially in wet weather conditions. Sewering the Woodville area will have the effect of inundating the already overloaded sprayfield, and over time, this will negate the effects of the City having gone to advanced wastewater treatment.

2. I have met with and talked with the development team. They would be doing a lot right with this development, IF it were in almost any other location in Leon County. The land on which they are proposing their development is simply too sensitive to handle the size of development they are proposing.

Please consider my comments, and forward my letter to the DRC for their consideration.

Sincerely,

Crystal Wakoa

Liberty Ridge Homeowners Association, Inc.

P. O. Box 124
Woodville, Fl. 32362

LEON COUNTY GROWTH AND ENVIRONMENTAL MANAGEMENT
09 NOV 12 PM 1:47

November 12, 2009

DRC
Leon County Growth and Environmental Management
Renaissance Center
435 N. Macomb Street
Tallahassee, Florida, 32301-1019

RE: Chason Woods Subdivision
Dear Mr. Culpepper,

The attached is the Liberty Ridge Homeowners Association (LRHA) response letter to the Chason Woods Sub-division permit. We request that this letter and attachments be included in the DRC public record.

LRHA requests the permit for the Chason Woods Sub-division be denied. LRHA requests that all future clustering proposals be denied unless they can show, through a nitrogen mass balance model, that they will generate less nitrogen than a non-clustered development would cause. Currently 50% of the land is in the floodplain and another 20% contain environmentally sensitive areas. The Comprehensive Plan limits the development in an Urban Fringe to one unit per 3-acres. Because 50 to 70% is undevelopable land, only 50 to 100 units would be allowed unless they are allowed to create a clustered development. We believe the amount of nitrogen produced by 50 to 100 3-acre lots (both septic and yard fertilizers) is significantly less nitrogen than the amount produced by 500 units on sewer. Fifty to100 units are consistent with density of the surrounding area, would maintain the integrity of surrounding communities, and comply with House Bill 697 for energy conservation by preventing sprawl. The city and county would save money if they were not required to pay for the infrastructure not covered by the Chason Woods Sub-development.

LRHA believes Leon County Development Code section 10-1429 is a loophole that promotes high-density development. The code allows for a 225% increase in the density in Urban Fringe if the developer will set aside 50% of the area. Since 50 to 70% was already preserved through other provisions of the Comprehensive Plan, we do not see the benefit to Leon County for allowing the developer this 225% increase in the density. This provision is inconsistent with the Comprehensive Plan as it creates an incentive to

create leapfrog growth. We strongly believe section 10-1429 should be removed from the Leon County Land Development Code.

By approving the Chason Woods Sub-division permit, Leon County will have committed itself to developing a city along the southern boundary with Wakulla County. This is within the Primary Springs Protection Zone, an area that Leon County has committed to preserving. To develop this sensitive area, Leon County will need to commit a significant amount of money to provide for infrastructures and services needed. LRHA has not seen the financial commitment from Leon County that will be needed to support the infrastructures and services that will be needed once this property is developed.

Also attached is an internal memo identifying many reasons this development should not be permitted (see attachment)

LRHA strongly recommends the Chason Woods Sub-development proposal be denied.

Thank you for your consideration,

Sincerely,

Charles Donahue

Charles Donahue
Acting-President

In 1989 the State of Florida mandated that each county develop a Comprehensive Plan designed to give local governments the tools to plan for responsible growth, encourage development where existing infrastructures already exist, discourage development which out paces available services, and allow local governments the ability to identify and protect environmentally sensitive areas. Chason Woods Sub-development represents the worst in development design and should be denied in its current form.

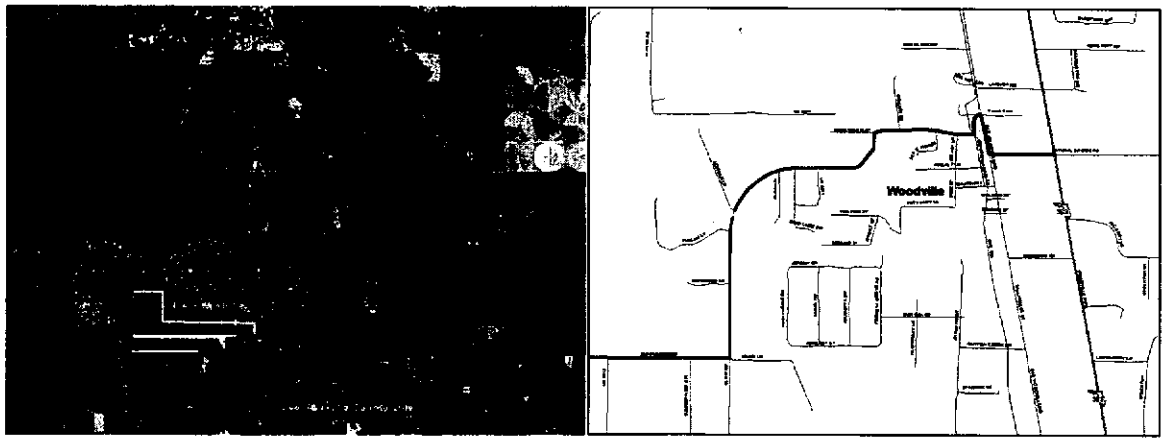
"The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, cultural, recreational, commercial, industrial and professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods." (Comp Plan section Land Use Goals, Objectives and Policies) The closest community to Chason Woods Sub-development is Woodville; a community located 3 miles to the east. Chason Woods Sub-development would adversely affect the character of Woodville as well as generating heavy traffic through residential neighborhoods. Woodville was originally established in 1846 and has grown in ways that represent high quality-of-life values. For example, it has over a dozen churches, a school, a grocery store, 3 restaurants, 2 hardware stores, 6 small shopping centers, and a civic center. Children are able to ride bicycles to get around or use the bicycle trail. Both the school and civic center have swings for small children and ball fields for older kids. Many of the churches have additional facilities.

Chason Woods Sub-development proposes a development containing 500 development units located on 130 acres. The figure below is a map of Woodville showing parcels with buildings. The red circle contains 522 parcels, which includes most of Woodville's down town area. The smaller black circle is 130 acres. CWS proposes concentrating the number of buildings inside the red circle into a space the size of the black circle. This is clearly a dramatic increase in the existing density. The proposed development places the character of our community at risk; it would begin a fundamental and irreversible change in the way our residents relate to their community and to their neighbors.

The parcels with buildings are outlined in yellow.
The red circle contains 522 parcels
The Black circle encloses130 acres.

CWS proposes concentrating the number of buildings inside the red circle into a space the size of the black circle. This is clearly a dramatic increase in the existing density.
The proposed development places the character of our community at risk, it would begin a fundamental and irreversible change in the way our residents relate to their community and to their neighbors.

If the developer is proposing to utilize the services of Woodville for food, churches, etc., then the road connecting Chason Woods Sub-development to Woodville would need to be upgraded to handle thousands of cars per day through this residential neighborhood. This would require a large investment by the county to upgrade the existing road. County Line Road, to Sunflower to Elgin to Privateer Way to Natural Bridge should be upgraded to "transportation artery status." This is the same status as Wakulla Springs Road and Woodville Highway. This road will need to be equipped with bicycle lanes for children wanting to ride into town to buy a coke or a candy bar.



The combined distance from CWD to Woodville is 3 miles and includes 5 stop signs. The second figure is a blow-up showing the many turns that would need to be straightened to make this a practical service road for people living in CWD to take advantage of the services provided in Woodville.

The Chason Woods Sub-development is 11 miles from the Capital building. Building a development this far out into the county means that the residents will need to drive 6 miles to Capital Circle to buy basic items like food or go to work. Services like dial-a-ride and school buses provided by the county will have further to travel to provide these services. This form of development is called leapfrog because the development is being created far beyond the available services forcing the county to spend its resource in an effort to catch-up to the developments. The Comprehensive Plan is very specific in establishing ways to limit leapfrog growth. *"Direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and the service capacity to accommodate growth in an environmentally acceptable manner. This shall be accomplished in part through the establishment and maintenance of an Urban Service Area (USA) concept. This Urban Service Area (USA) concept is based upon a desire to have Tallahassee and Leon County grow in a responsible manner, with infrastructure provided economically and efficiently, and surrounding forest and agricultural lands protected from unwarranted and premature conversion to urban land use. An urban service strategy provides for well-managed, orderly growth, which preserves natural resources and promotes fiscal responsibility. The location and size of the USA shall be depicted on the Future Land Use Map and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by 2020; the ability to provide urban infrastructure; and, the presence of environmentally sensitive lands and water bodies, requiring protection from the impacts of urban development." (Comp Plan GROWTH MANAGEMENT/ URBAN SERVICES AREA)* This development can only be built if the City will extend the sewer system from a point just south of capital circle to Chason Woods Sub-development; a distance of about 6 miles. The Comprehensive Plan wants to extend services to Woodville, but specifically forbids the funding or scheduling of major capital improvement projects outside of the Woodville community proper. (Comp Plan Policy 1.1.8) This policy is designed to discourage leapfrog development such as Chason Woods Sub-development.

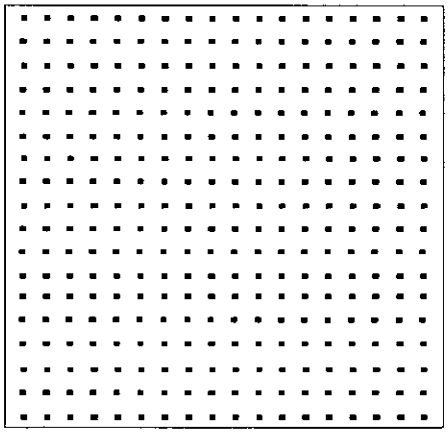
The land is currently being used for silviculture (pine tree) farming and has recently been clear-cut. Based on parcel data for a 1-mile radius around Chason Woods Sub-development, 88% of the surrounding lots are larger than 1 acre. The average lots size is 3 acres. The Comprehensive plan policy 2.1.1 states *"Protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment."* And in Comprehensive Plan policy 2.2.3 states *"For Residential Preservation areas outside the Urban Service area the density of the residential preservation area shall be consistent with the underlying land use category. . . Parcels proposed for residential development shall develop at densities generally consistent with the density of existing residential development."* Chason Woods Sub-development with its ¼ acre lot size is not consistent with the current land use of 3 acres per lot.

The Comprehensive Plan takes precedence over all other growth management documents, including the Leon County Land Development codes and any agreements the

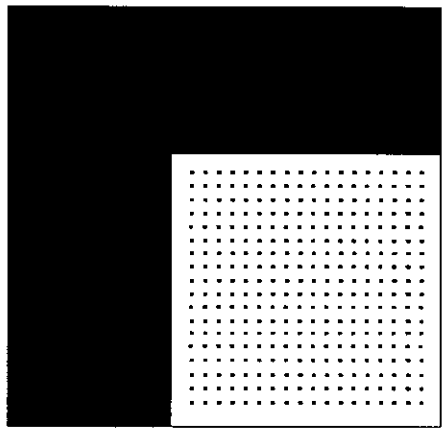
county may have made with other agencies. There are several conflicts between the Comprehensive Plan and other documents like the Land Development Code. For example: The Comprehensive plan (section 2.1.8) for Residential Densities Ranges within the Urban Fringe states that development should be limited to no more than 1 developmental unit (DU) per 3 acres. If the development proposes a form of clustering, then the each development unit shall be on a lot no smaller than 1 acre in size.

The Comprehensive Plan introduces the idea of clustering to allow the growth management professional some latitude to save sensitive areas. *"Require clustering of residential units on non-environmentally significant portions of parcels where conservation or preservation overlay districts exist elsewhere on the site. Net density on parcels where clustering is required on the developable portion of the parcel where the units are clustered shall not exceed double the allowable density for the land use category in which the parcel is located." (Comp Plan Policy 2.1.3)* Chason Woods Sub-development consists of 697 acres and is in an Urban Fringe area; therefore, the maximum allowable density is 230 DU (1DU per 3 acres). And the smallest lot size can not be less than 1.5 acres in size.

The Leon County Growth management should resolve the difference between Comprehensive Plan policy 2.1.3 minimum size lot within a cluster of 1 DU per 1.5 acres and Comprehensive Plan policy 2.1.8 with its 1 DU per 1 acre minimum size within a cluster. Both of these are in conflict with Leon County Florida, Conservation Subdivision Comprehensive Plan Language and the Implementing Ordnance Policy 2.2.9 for conservation subdivision clustered requirements of *"The minimum lot size shall be one-half-acre in urban fringe areas."* Chason Woods Sub-development is proposing ¼ acre lots, which does not comply with either the Comprehensive Plan or Land Development code.



Urban Fringe limits development to 1 DU per 3-acres. A 1000 acres parcel has a maximum of 333 DU s.

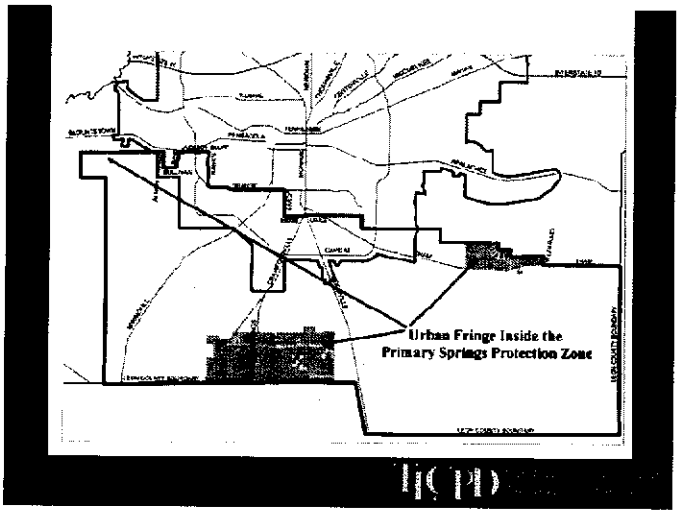


Density neutral clustered development A 1000- acres parcel has a maximum of 333 DU s with undeveloped land being preserved.

A Conservation Sub-division
Must preserve 50% of its land but is
allowed a 225% increase in density.
A 1000-acre parcel is allowed 775 DU s

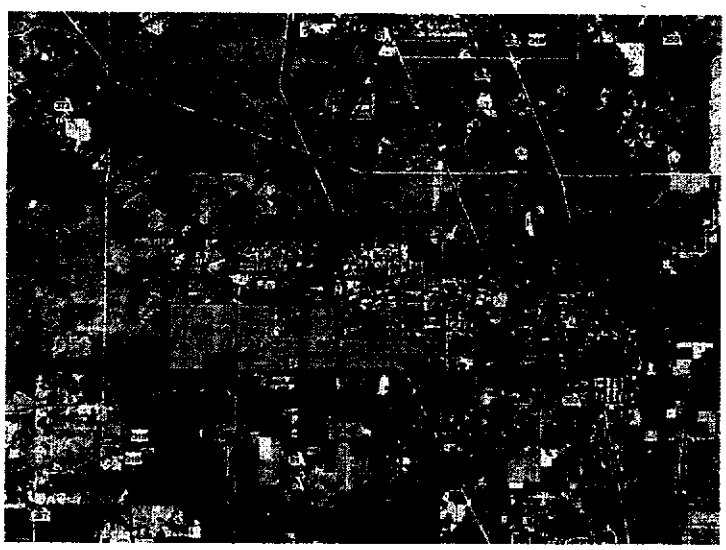
Despite the fact that Chason Woods Sub-development is in a rural part of the county, it has been given the status of Urban Fringe. Because of the large number of springs in southern Leon and northern Wakulla Counties the county has established the Primary Springs Protection Zone (PSPZ) to give more protection to these areas. The Comprehensive Plan, Leon Land Development Code and PSPZ all have agreed to a minimum lot size of 1 DU per 3 acres for the area that covers the Chason Woods Sub-development property. Chason Woods Sub-development consists of 697acres which means that should be no more than 230 total lots assuming that there are no environmentally sensitive areas. However, Chason Woods Sub-development proposes to use a loophole in the conservation subdevelopment part of the land development code to expand the number of units to 500. *Sec. 10-1429 (c) (2) (e). Density. Conservation subdivisions, no matter the form of ownership, shall be density neutral. In UF* (Urban fringe), *the maximum density in the development area of a conservation subdivision shall be one dwelling unit per 1.33 gross acres of the total parcel.* This is confusing as the first statement states that it shall be density neutral (i.e., no more than 230 DUs) followed by the statement 1 DU per 1.33 acres. This is in direct conflict with policy 2.2.2 *"Conservation subdivisions within the Urban Fringe land use category shall be density neutral, and ward no units greater than those achievable via conventional site plans subject to density limitations."* The provisions in this section represent a 225% increase in the number of DUs permitted, which is a significant increase in the amount of nitrogen from human activities going into the water shed.

The contradictory statement "*In UF* (Urban fringe), *the maximum density in the development area of a conservation subdivision shall be one dwelling unit per 1.33 gross acres of the total parcel"* is a loophole specific to Urban Fringe. There are very few Urban Fringe areas within the entire county. This loophole is the basis for high density development in this area. In the Urban Fringe area west of Woodville there are only three large lots where the developer may want to take advantage of the loophole. What benefit does the County receive from allowing these three parcels to develop with 225% higher densities than would be allowable otherwise?

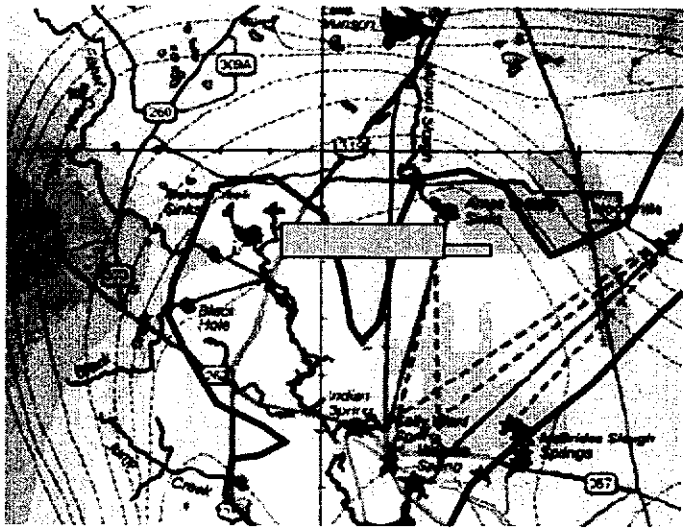


Note: the red line shows the current USA boundary. The USA would have to be extended to include CWD.

The Primary Springs Protection Zone is a designation to control growth in areas that could lead to a deterioration of the springs.



All three properties are within the Primary Springs Protection Zone (PSPZ) which indicates that the areas are highly critical for the protection of the springs. These specific parcels are some of the most critical within the PSPZ (i.e., most critical within a group of critical). A dye trace study conducted by Kincaid found that water entering Ames Sink would travel to Wakulla Springs and Indian Springs in approximately 17 days, a distance of 4 miles. Chason Woods Sub-development is approximately 2000 feet south of Ames Sink and lies directly between Ames Sink and Wakulla Springs. This suggests that any release of nitrogen in this area will quickly reach one of the springs before the bacteria in the soil could have the opportunity to reduce the nitrogen. The other parcels are more associated with Fisher Creek Sink. The Fisher Creek dye trace took 9.4 days to travel to Wakulla Springs.



The box represents the approximate location of the three parcels combined and their relationship to sinks used in Kincaid dye trace study.

What is more of a problem is if other large parcels could find ways to take advantage of the loophole. The figure below shows other large parcels within the PSPZ. I am sure the Growth Management Staff have good intent, but considering the amount of money that could be made if these large parcels were able to take advantage of this loophole. It may take the form of changing the zoning to Urban Fringe or convincing a court that they too should be exempt from the normal requirements. Consider that it represents 750% increase in profits, I am sure a few lawyers will be hired to test the waters. If they have success, then it is too late to close this loophole.

These are the parcels greater than 10 acres and having no buildings. Most are zoned for Rural Transfer which allows only 1DU per 10 acres.

Based on the above issues, it is recommended that the Chason Woods Sub-development be denied until these issues above can be resolved.

What would a denied mean? The developer can redesign the development. While there are many possible design options, the following are three representative options.

Option 1
The parcel could be developed at a rate of 1 DU per 3 acres. Fifty percent of the property is within the floodplain and another 10 to 20% are environmentally sensitive land. Building is not permitted in the floodplain areas. While no engineering drawing has been completed, it is easily conceivable the number of developable units would be between 50 to 100 lots. The floodplain could be used for silviculture or some activity compatible with flooding like a solar collector field. This plan is consistent with the Comprehensive Plan, with adjacent neighborhoods, and it is protective of Wakulla Springs. This is the option favored by the local neighborhoods.

Option 2
The developer may re-submit a development utilizing some form of clustering to offset the areas in the floodplain. The property has approximately 350 acres in the floodplain and another 140 acres in environmentally sensitive land. The goal of clustering is to provide the flexibility for the developer to build on less sensitive land and preserve the remainder. The cluster design allows for a negation process, between the county and the developer, to find solutions that will benefit everyone. Without clustering the developer could build 50 to 100 units, but with clustering (minimum size of 1 unit per acre), the developer would be limited to 150 to 200 units. Each lot would probably be required to use a Performance Based Treatment System (PBTS) type of septic system that meets the proposed regulation the county is trying to establish. As with all clustering, the remaining land would not be available for development.

Option 3
The developer may re-submit a development utilizing some form of clustering to offset the areas in the floodplain but stay a density neutral level of 230 DU. The development would probably be located in the same 130 acre high-ground area and all work already performed could quickly be modified to accommodate the larger lot sizes. At this very high density, Leon Growth Management would most likely require sewer and water connection.

Since this is the highest density discussed, and the developer could use so much of his existing work, the remaining sections will discuss Option 3 in detail. The biggest concern is for utility connection, primarily sewer connection. Leon County is trying to establish requirements for septic tanks to be of a design called Performance Based Treatment System (PBTS). PBTS will reduce the nitrogen level by over half, to a level of 10 mg/L nitrogen or less. Reducing nitrogen is a critical part of an effort by Leon and Wakulla Counties to protect Wakulla Spring and other springs in Wakulla County. While these new PBTS are effective at reducing nitrogen, they are not cheap. The current estimates are that they will cost between $8 to 12,000 each and require a $2-300 per year maintenance contract and there are additional permit requirements. The cost of installing 230 PBST is between $1.8M and 2.8M plus $50K per year in maintenance.

The developer has argued that he must be given the higher density so that he can afford to bring utilities to this area. The attached letter is between the city utilities and Chason Woods Sub-development identifying the costs to bring both sewer and water to Chason Woods Sub-development. The cost to Chason Woods Sub-development for the city to bring sewer to Chason Woods Sub-development is only $921K. Chason Woods Sub-development would have some additional costs for sewer within the development itself. But if the City can bring sewer 3 miles from Woodville through residential areas and under existing streets for $921K, the cost to install the sewer in the Chason Woods Sub-development at the time of construction should not cost much more. Therefore, as the density reaches the maximum level of 230 DU, Leon County Growth Management should make connection to utilities a requirement of the development permit. The alternative of one DU per 3-acres is still the preferred alternative.

The developer has argued that Chason Woods Sub-development should be allowed a higher density so that his investment is profitable. The developer purchased the property in December 2003 for $1.3M. This is an average cost of $1865 per acre or $5,652 per each development unit (most of the land is in a flood zone and can not be developed). Knowing that 50-70% of his land is within flood zone or other sensitive areas, he knew when he purchased the land that there was a risk that he would not qualify for clustering. This purchase coincides with the peak of the real estate bubble. Most real estate investors have seen significant loss of value in their portfolio. The average Florida property owner has lost about 35% with many investors losing 60 or 70% of the value in their investments. Currently Tallahassee Ranch Development, a gated community with paved roads and curbs is running sales of $10,000 per acre. The developer cannot expect governments to bail them out every time the investor makes a bad investment.

In summary, Chason Woods Sub-development as it is currently proposed should be denied.
The lot sizes are less than the minimum size requirement established in the Leon County Comprehensive Plan.
Chason Woods Sub-development will put too many people in very critical areas that will have an adverse effect on Wakulla Springs, which Leon County has committed itself to protecting.
It is not consistent with existing developments in the area.
The approval of this kind of high density infill development sets a dangerous precedent. Chason Woods Sub-development, if permitted to proceed as it is currently designed, would certainly lead to similar development efforts on other similarly situated properties.

The character of our community, which is the very reason why many of us chose to build our lives in Woodville, is threatened by developments such as Chason Woods Sub-development. The Commission has a duty to protect the residents of this or any community from attempts to take advantage of the intricacies of the Land Development Code to force over-development of a given parcel. The development of this and other properties is inevitable, but Chason Woods Sub-development, as presently proposed, provides no advantage to the community. Its only purpose is to maximize the amount of money to be made from the development of the parcel. The Chason Woods Sub-

development proposal has presented the Commission with the opportunity to make a decision that would protect the citizens of this community, it is the hope of all the surrounding neighborhoods that the Commission understands the significance that this decision has for the future of Woodville and of Wakulla Springs.

For the DRC record, please answer the following concerns. These concerns have been raised at all the public meetings, but we have not been given a satisfactory answer.

1. People living in Chason Woods Sub-development will need to make daily trips to urban areas to shop. Since Woodville is a closer destination than Capital Circle or Crawfordville, most people will choose this route. Chason Woods Sub-development will add approximately 1700 people, which is about the same number as currently use Wakulla Spring Road. Wakulla Spring Road is classified as a "Transportation Arterial Road." What provisions have you made to handle the thousands of car each day on Sunflower, Elgin, Privateer Way and Natural Bridge? Much of this route is through neighborhoods with narrow streets, many stop signs and curvy turns. How do you justify not upgrading these roads? Have you notified the homeowners on these roads to expect significant increases in traffic?

2. The Comprehensive Plan takes precedence over all other growth management documents, including the Leon County Land Development Code and any agreements the county may have made with other agencies. There are several conflicts between the Comprehensive Plan and other documents like the Land Development Code. For example: The Comprehensive plan (section 2.1.8) for Residential Densities Ranges within the Urban Fringe states that development should be limited to no more than 1 developmental unit (DU) per 3 acres. If the development proposes a form of clustering, then each development unit shall be on a lot no smaller than 1-acre in size. Since section 2.1.3 and 2.1.8 of the Comprehensive code are so specific, please describe the legal arguments/process you used to permit a lot size less than 1-acre within an Urban Fringe zone.

3. Please explain the legal justification you used to allow a lot size of ¼ acre when the Conservation Subdivision (sec 10-7.204 (d)) specifically states "*The minimum lot size shall be one-half-acre in urban fringe areas.*"

4. The Conservation Subdivision (sec 10-7.204 (d)) "The minimum lot size shall be one-half-acre in Urban Fringe district acres" is inconsistent with Conservation Subdivision (sec 10-7.204 (e)) "In Urban Fringe zoning districts, the maximum density in the development area of a conservation subdivision shall be one dwelling unit per 1.33 gross acres of the total parcel." What is your legal justification for allowing sec 10-7.204 (e) to supersede 10-7.204 (d) and Comprehensive Plan policy 2.1.8?

5. Conservation Subdivisions are often used by growth management groups as a tool to obtain concessions from the developer. Where the Conservation Subdivision concept has been applied by other communities, it is usually granted as "density neutral" incentive. Leon County Land Development Code has a provision that allows a 225% increase above the underlying zoned development. How do you justify this increase to the people of Leon County? Do you know of any examples of other communities, anywhere in United States, where they have in their development code an automatic increase in density of more than 20%?

6. The goal of a Conservation Subdivision is not to provide additional concessions for preserving land that would already be preserved under some other rule, but to increase the amount of land preserved that would not be preserved otherwise. The Conservation Subdivision requires that 50% of the land be preserved. Since 50% of the CWS is in the floodplain and would already be preserved, please explain what benefit the people of Leon County receive form issuing a Conservation Sub-division permit.

7. Leon County has made agreements with Wakulla County to protect the springs. Since 70% of the land is either within the floodplain or environmentally sensitive, the developer could only develop between 50 to 100 units without having some type of clustering. Please conduct a nitrogen mass balance between a development of 3-acre lots on the remaining developable land using septic tanks scenario and a development with 230 units, which are connected to the City sewer system.

City of Tallahassee
Your Own Utilities

Water Resources Engineering 300 S. Adams Street, B-26 Tallahassee, FL 32301 850-891-4YOU (4968)

October 22, 2009

Mr. Tom Gould
J& T LLC
3554 Fair Oaks Lane
Longboat Key, Florida 34228

RE: Proposed Chason Woods Subdivision in Leon County

Dear Mr. Gould,

As a follow up to the October 13, 2009 meeting between your representatives and City staff, this letter summarizes the issues discussed at the meeting relative to water and sewer services for the above referenced subdivision.

Based on information provided by your engineer the maximum allowed density for this proposed development is 523 units. The City of Tallahassee has the capacity to supply water to, and receive and treat sewage from, the proposed subdivision at this maximum density.

The City and your Engineer have developed and agreed upon a representative cost for the off-site utilities necessary to serve the referenced development and, if desired, to serve future needs in the Woodville area. Table 1 summarizes these figures:

Alternative Systems	Water	Sewer	Total
Expanded Service Capacity	$2,219,647	$2,375,361	**$4,595,008**
Chason Woods Only	$1,400,887	$920,880	**$2,321,767**
Difference	**$818,760 (City)**	**$1,454,481 (Others)**	**$2,273,241**

Table 1 – Chason Woods Estimated Off-Site Utilities Cost Comparison

With regard to water service, the "Chason Woods Only" cost reflects the cost born by the developer to adequately serve the development and the "Expanded Service Capacity" cost reflects the total cost of a system that is looped to provide additional capacity for potential future customers. The City would fund the cost difference for the Expanded Capacity in the water system.

With regard to the sewer service, the "Chason Woods Only" cost reflects the cost to serve the development only and would be born entirely by the developer. The "Expanded Service Capacity" cost reflects the total cost of the system to serve the development and to serve as a backbone trunk line for the sewering of Woodville by others at some future time.

A $1.45 million additional expenditure to obtain trunk service to the Woodville community is undoubtedly a cost efficient opportunity, but it is not one that should be funded by existing City rate payers. Absent some financial plan from Leon County to sewer Woodville, we do not anticipate the City will fund the additional cost of the expanded capacity trunk sewer to Woodville.

Significant design, construction details and actual design based cost estimates must be provided to and be approved by the City via the normal development process, before final arrangements for water and sewer service can be established. Once the Developer receives site plan approval from the County, the City will enter into a Utility Letter of Agreement that will further solidify what is expected of the Developer, the City and any other stakeholders of the project.

Respectfully,

WATER RESOURCES ENGINEERING

John Buss, P.E.
Manager

Attachment # 10
Page 1 of 1

Ryan Culpepper - Chasson Woods Conservation Subdivision (LSP090035)

From: gregg burgett <greggthehammer@gmail.com>
To: <culpepperr@leoncountyfl.gov>
Date: 11/16/2009 8:37 AM
Subject: Chasson Woods Conservation Subdivision (LSP090035)

I live on 980 Sora Road In LIberty Ridge and I DISAGREE WITH THE PROPOSAL of the land development. That land is the Monsun slue run off and if it gets developed that will cause more flooding in the area. And you will be pushing the wild life out of that area. DO NOT MESS WITH MOTHER NATURE!!!!!!!
You consider this a Conservation project?
Gregg Burgett
980 Sora rd
Tallahassee Fl.

Ryan Culpepper - Re: Chason Woods Conservation Subdivision (LSP090035) - Notice ofSpecial Development Review Committee meeting

Attachment # 11
Page 1 of 2

From: Bib <thisbib@comcast.net>
To: Ryan Culpepper <CulpepperR@leoncountyfl.gov>
Date: 11/16/2009 9:00 PM
Subject: Re: Chason Woods Conservation Subdivision (LSP090035) - Notice ofSpecial Development Review Committee meeting

Mr. Ryan Culpepper, Development Services Administrator

Ryan, here are my comments on the application, for the DRC record:

1) Unless the EIA was approved since mid-morning today (11/16) the application is still devoid of an approved EIA as of this e-mail. Placing an application on the DRC's agenda without an approved EIA deviates from precedence and appears to be an exceptional approach. This practice is exacerbated by the fact the application is being considered at a specially-scheduled meeting, one that the applicant requested and which was not on the published DRC schedule. Although specially-scheduled meetings are not without precedence, the combination of the consideration of the application without an approved EIA and the expedited review through the specially-scheduled meeting leaves an impression that the applicant is receiving an unfairly biased review; that the outcome of the application is pre-ordained and that the procedural standards for this application are somehow lower than for other applications.

2) The application is deficient with regard to satisfaction of school facility concurrency requirements. It is my understanding that the LCSB's review of the application revealed that it will result in a facility deficiency of approximately 150+ elementary school seats. The application should not be approved unless and until this issue is satisfactorily resolved.

3) The application is deficient with regard to satisfaction of transportation facility concurrency requirements. It is my understanding that the County staff's review of the application revealed that it will result in system deficiencies requiring of approximately $1 million of mitigation. The application should not be approved unless and until this issue is satisfactorily resolved.

4) From my cursory review of the application today, I noticed that the applicant proposed that the Florida Fish and Wildlife Commission be the designated Qualified Management Entity (QME) responsible for approximately 60% of the proposed conservation area. I did not recall seeing any documentation, however, from the F& WC agreeing to be the QME or even acknowledging this proposal. The application should not be approved unless and until one or more QMEs (as appropriate) have been designated, found to be sufficient by County staff, and documentation provided that these entities accept this responsibility and have the fiscal wherewithal to implement their maintenance commitments.

5) I am not sure as to whether County staff has recommended approval of the applicant's management plan (for the conservation area). The application should not be approved until this management plan is found to be sufficient by County staff.

6) The applicant's utility (water and sewer) utility concept plan received conditional approval from the utility provider of record, the City of Tallahassee. One of the conditions requires the

applicant to enter into and execute a Utility Letter of Agreement (with the City). Given the significant cost of extending utility infrastructure to this development, the application should not be approved unless and until the applicant has provided a surety instrument, found to be sufficient by the County Attorney, and as appropriate, the City of Tallahassee, that ensures that the costs of extending this infrastructure will not be bourn in whole or in part by the public of Leon County; and, that the applicant provide this surety prior to final approval of the site and development plan application, should it otherwise warrant approval.

7) The applicant has requested a deviation to the minimum lot size requirement for the development, a reduction from one-half (1/2) acre to one-quarter (1/4) acre. In my recollection, the only previous conservation subdivision application to seek and obtain a deviation to minimum lot size is Talquin Meadows, wherein lot size was reduced from a minimum of 0.8 acres to 0.5 acres, and only about 5 lots utilized this smaller lot size, which was necessary due to the unusual limited linear and narrow shape of the development site. This reduction in minimum lot size for Talquin Meadows represented a 37.5% decrease in lot size for the small number of lots; the applicant for this Chason Woods application proposes a 50% decrease in minimum lot size and intends to apply this standard to the majority of lots proposed in the development. In the instance of Talquin Meadows, the deviation provided the developer with a moderate degree of additional flexibility for a handful of lots; in the instance of Chason Woods, the applicant essentially seeks, through the application for deviation, to change the fundamental nature of the number and size of lots allowed in a conservation subdivision in the Urban Fringe (UF) Future Land Use Category and UF zoning district. There appears to be no precedence for granting a deviation of this magnitude (amount of lot size reduction, and scope of applicability).

8) The application appears to be inconsistent with a number of Comprehensive Plan Objectives and Policies (in the Land Use Element and in the Sanitary Sewer Subelement). I will provide additional information on this matter, if necessary, prior to the Board's public hearing on this application.

I submit these comments for you and the DRC and other associated staff to consider; I do not require a reply nor is it necessary on my account for any DRC report to respond. Of course, I do request that these comments be considered and maintained in the record file and, if you are attaching public comment to the DGEM report, that these comments be included.

As always, I appreciate your work on the behalf of the citizens of Leon County and thank you for your time,

Adam Antony Biblo
Tallahassee, FL
via e-mail

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Buck Lake Alliance, Inc.

09 NOV 17 AM 9:21
LEON COUNTY GROWTH AND ENVIRONMENTAL MANAGEMENT

November 16, 2009

Ryan Culpepper
Development Services Administrator
Department of Growth & Environmental Management Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019

Re: Chason Woods, Residential Subdivision

Dear Mr. Culpepper:

I originally commented on this development proposal back in February 2009 and still believe a recommendation for denial is needed. A number of changes have been made to improve this proposal, excluding the most important concern; it is in the wrong location for the protection of Wakulla Springs. The extension of sewer lines is a positive change to reduce the impact of sewage on the springs, but the revisions fail to address the impact of fertilizers, pesticides, herbicides and other substances that occur from intensive residential use. This property is located in the Woodville Karst Plain physiographic region where the highly permeable surface sands allow the rapid percolation of any runoff and its dissolved pollutants. These sands are directly connected to the limestone of the Floridan Aquifer that provides the water of Wakulla Springs. This rapid percolation will occur in the residential yards before capture by the proposed stormwater treatment system.

In addition, delegating maintenance/preservation of the Leon County Conservation Easement to the Chason Woods Homeowners Association is not adequate to protect the vegetation/underbrush that can control erosion and remove some of the pollutants (phytoremediation) before the runoff (generated onsite and offsite) reaches the onsite karst features. The extensive root system of a natural forest provides the best capture/removal of dissolved chemicals and nutrients before reaching the aquifer. Even on the residential properties, the natural forest should be retained to the extent possible as most trees have roots deeper than grasses. As previously stated back in February, a binding natural conservation easement prohibiting any vegetation clearance is needed for the preservation areas. There should be clear provisions for enforcement with substantial financial penalties for any violation or encroachment into the natural areas. I do think that the homeowners association should educate and routinely remind the 498 (likely double) homeowners of these limits and be liable for any associated environmental

damage. The proposal for 498 homes (and the associated removal of existing mature vegetation) to be concentrated on 158 acres remains too dense for this sensitive environment.

There is also a concern for flooding in the area with the existing natural conditions, particularly for extreme flooding events. This flooding will be worse due to the increased runoff from the impervious surfaces created by 498 homes and associated infrastructure. Will the stormwater ponds be sized to include and hold this additional runoff volume? In addition, a few of the stormwater ponds include areas inundated by 100-year flood events; will this loss of stormwater capacity be replaced elsewhere in the proposal? Will this development be another county buyout due to repeated flooding that the taxpayers must endure?

All the above is in addition to the fact that this proposal conflicts with the Leon County Comprehensive Plan objective to concentrate intense development inside the Urban Services Area (USA) to provide municipal services cost-effectively. I understand that it complies with the provisions of Conservation Subdivisions, excluding the existence of sewer, water, road capacity and schools. This proposed development is located in the urban fringe, far from the limits of the USA; what is the point of having an Urban Services Area if developers are allowed to ignore its limits and request a variance? Where will these people work and who will pay for the road improvements that will be needed to handle this traffic? This raises the costs of County services that taxpayers must bear, and is especially troubling in this poor economy.

This development proposal would be acceptable if moved to an upland property, but should be denied for this proposed location. The more important goal of restoring Wakulla Springs should take precedent as its draw as a tourist attraction feeds the regional economy. Affordable housing is always needed and can be located anywhere. A first magnitude spring such as Wakulla Spring is rare because the combination of geology and hydrology that created it is so unique.

Sincerely,

Zoe P. Kulakowski

Zoe Kulakowski, PG
Buck Lake Alliance Board member
1320 Blockford Court West
Tallahassee, Florida 32317

Wakulla County

MEMORANDUM

TO: Leon County Development Review Committee

FROM: Wakulla County Planning and Community Development Department Staff

CC: Wakulla County Board of County Commissioners
Benjamin Pingree, County Administrator

DATE: November 16, 2009

SUBJECT: Proposed Chason Woods Conservation Subdivision (LSP090035)

Wakulla County is monitoring the proposed Chason Woods Conservation Subdivision, due to the proximity of the proposed development to the Wakulla County line and the potential impacts to Wakulla Springs. In order to determine the impacts of this project to Wakulla County, staff requested the Wakulla County Transportation Concurrency and Stormwater Review Applications be completed by the Applicant. Moore Bass Consulting, Inc. (the "Agent"), submitted the Wakulla County Transportation Concurrency and Stormwater Review Applications (the Applications) on October 19, 2009. Wakulla County contracted with PBS&J to review these applications.

As Leon County and Wakulla County have developed a cooperative and supportive relationship over the past several years with regards to growth management and springs protection, it is important to note some of our County's requirements for developments within Wakulla County. Please consider the following as part of your review.

- The connection of the Chason Woods subdivision to central sewer is Wakulla County staff's preference. At a minimum, Performance Based Septic Tanks should be utilized as would be required by Policy 1.3.1(c), Infrastructure Element of the Wakulla County Comprehensive Plan.

- Wakulla County also urges Leon County to consider wetlands and karst protection when reviewing this project. Any wetlands on the property should be appropriately protected. Policy 2.3(3), Conservation Element of the Wakulla County Comprehensive Plan requires a seventy-five foot protective buffer around

all natural wetlands. Also, as active and inactive karst features are located on the Chason Woods property per the Natural Features Inventory submitted to Leon County, protective measures should be incorporated into the Chason Woods subdivision. Per Policy 13.1(a), Land Use Element of the Wakulla County Comprehensive Plan, protective buffers are required around significant karst features as follows:

Feature	Minimum buffer (feet)
•1st & 2nd Magnitude Springs	300
•Spring runs	150
•Smaller springs	100
•Sinkholes, with a direct connection to the aquifer	100
•Other karst features with a direct connection to the aquifer (swallet or stream to sink)	100

- Additionally, the use of fertilizer within the Chason Woods subdivision could pose an environmental risk as significant environmental features prevail over most of the site. Regulation of fertilizer application within the proposed development should be addressed to reduce the amount of nutrients entering Wakulla Springs. It is important to note that Wakulla Springs is already listed as an impaired water body due to nutrient loading.

It recently came to Wakulla County's attention that the Chason Woods plans have been revised to include 498 single-family residential lots and 2 non-residential lots. The revised plans have not been submitted to Wakulla County, and therefore have not been reviewed for Transportation or Stormwater Concurrency. Wakulla County requests that the Agent submit the revised plans, so that appropriate review for Transportation and Stormwater Concurrency can occur. Once updated plans have been submitted and reviewed, Wakulla County may have additional comments regarding this project. We will forward these comments to Leon County staff as quickly as possible.

Wakulla County appreciates the opportunity to work with Leon County staff to provide input on this important project. We look forward to working with Leon County and the Applicant on this project.

Attachments Enclosed

Memorandum

26309 North Monroe Street, Building C
Tallahassee, FL 32303
Phone: 850.575.1800 Fax: 850.575.1083
E-mail: djbeaty@pbsj.com

TO: Lindsay Stevens, AICP - Wakulla County

FROM: Dan Beaty, AICP - PBS&J/Tallahassee

CC: Wiatt Bowers, AICP - PBS&J/Jacksonville (Traffic)
Glen Brown, P.E. - PBS&J/Tallahassee (Stormwater)

DATE: November 11, 2009

SUBJECT: Chason Woods Development: Transportation Concurrency & Stormwater Reviews

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We have reviewed the **Chason Woods Transportation Concurrency Analysis**, dated October 13, 2009. Based on the information provided, the analysis is acceptable. However, there are a few issues that have arisen in Leon County regarding this project. These include:

1. The County has requested that the project have a mixed-use component. As such, the applicant has shown a willingness to add approximately 10,000 square feet of retail/commercial uses and reduce the number of single family dwelling units slightly. However, the applicant has stated that they should not be responsible for any net increase in trips as the mixed-use component was added at the request of Leon County.

2. The applicant has proposed to manually modify the project's trip distribution slightly. Based on information contained in Journey to Work data, they have proposed to increase the number of trips coming from/going to Wakulla County. The effect of this increase would be minimal in Wakulla County and project trips would still be far below the 5% of Capacity threshold. However, this manual shift would reduce the number of projected trips on roads in Leon County, thereby reducing the project's impacts and potential mitigation costs.

At this time, we recommend that Wakulla County stay engaged with this project and possibly become involved with the transportation concurrency review process in Leon County.

We have also reviewed the **Chason Woods Transportation Stormwater Analysis**, dated October 13, 2009 and have the following comments:

General Comments:

1. It is noted that the project is located within one or more closed basins. Documentation describing the project drainage area includes basin maps for pre-development and post development conditions. Although these maps show drainage boundaries, sub-catchments and depression areas within the immediate project area, additional information is requested for those areas contiguous to the project where drainage may be affected by its construction. At a minimum, this would include a drainage map of the general vicinity near the project. This map should show the project's relative position within its closed basin(s), the limits of the closed basin and the adjacent major watersheds/basins. The map should not be geographically limited to Leon County and should include pertinent drainage areas within Wakulla County.

2. Several soil reports are included within the Storm Water Management Plan's documentation. However, detailed boring information is provided only for those site locations where prominent depressions (karst features) have been identified. In general, boring records are provided for basin areas contributing to POA-1, POA-2, POA-3, POA-4 and POA-7. Although the information provided appears sufficient to assess the analysis of the stormwater ponds proposed for these areas (generally wet detention systems), to allow an engineering review for the other systems additional soils information is requested. Specifically, detailed information related to water table elevations, aquifer confinement depths and soil stratigraphy is requested for areas where the dry retention pond systems are proposed (POA-5 and POA-6). The NRCS tables and maps provided within Appendix B are not specific to the locations proposed for the Pond G system, the Pond H system, and Pond I. The boring logs provided for the wet pond areas show lenticular deposits of plastic soils within the soil matrix. If these soils underlie the dry pond areas they may have a dramatic effect on the infiltration properties and percolation behavior at these ponds. (Although Pond J is also proposed as a dry pond, the subsurface in this area is described by Boring Log K48, which was included within the report.)

3. The narrative indicates that pre-development volume limitations have been met by the proposed construction. However, Table 3 of the narrative appears to be show exceptions to this assessment (Basin 'A' POA-1, 2-yr, 24-hr; Basin 'H' POA-7, 5-yr, 24-hr; Basin 'H' POA-7, 25-yr,24-hr; and Basin 'G' POA-6, 100-yr, 24-hr). Although the exceptions appear to be minor and may fall within interpretation of critical storm analysis; adjustments that may be necessitated in response to other comments could affect adversely the pre-development post-development volume differentials. This issue may need to be reviewed further as appropriate to these adjustments.

4. Construction appears planned within 100-year flood areas. Permitting issues related to these activities (i.e. dredge and fill) are considered beyond the scope of this review and the appropriate applications are assumed to be under pursuit by the developer.

Hydrology and Modeling Comments:

1. The hydrology (runoff) modeling appears thorough and appropriate. However, the source and basis of several modeling parameters are requested. For example, several basin areas and most of the slopes used for pre and post development analysis could not be checked, due mostly to the small scale of the drawings provided. Similarly, hydraulic lengths used within the post development calculations are not readily confirmable. A larger exhibit at a more readable scale should address this issue.

2. A table of SCS CN values was provided within Appendix F. Although these values were generally consistent with the CN values used for modeling the pre and post development conditions, there were exceptions. For example, in the pre-development model a CN value of 40 was applied to "Woods or Forest Land, Fair Cover" (with Group A soils) for Basins A through G. However, a value of 45 was applied to Basin H. Although CN values are largely judgmental at best, a consistent use was expected. Another example involved the use of post development CN values for "Open Space" that are different than those used for "Woods or Forest Land" for those same areas in the pre-development model. This may be more appropriate if some vegetative changes/improvements occur within the designated "Open Space" as part of the development

PBSJ

process but this scenario is not clear from the narrative or documentation. Again, it is acknowledged that this is a judgment call by the design engineer; however, given the close pre vs. post volume differentials, justification is requested.

3. Both pre-development and post development modeling used a peaking factor of 484. Given the low to moderate slopes and the notable depression storage that appears to characterize the site a lower value may be appropriate. Although the narrative identifies the value used (484), it does not provide an explanation for its use. An adjustment to the narrative providing a basis for the choice is requested.

4. Infiltration values used for volume recovery analysis applied saturated vertical infiltration rates as determined by the double ring infiltration tests. However, the test report sheets provided by the geotechnical engineer recommend a 2.0 safety factor be applied to the values reported. The values used in the analysis appear to be without this factor. If the safety factor is applied elsewhere or in another manner, an appropriate explanation within the narrative is requested. In view of the geotechnical engineers recommendation, a justification of the values selected for the analysis appears warranted.

5. ICPR provides a mass balance report for hydraulic modeling. This print out is requested.

6. Minor Issues: Time of Concentration calculations for Basin A (Pre-development) total 15.5 minutes. ICPR calculations used 14.6 minutes. Design engineer should review but no action is requested. Sheet F-4 from Appendix F identifies a project name inconsistent with "Chason Woods". Although insignificant in itself, it also shows this project to be within the Type III SCS rainfall distribution. All ICPR calculations applied the Type II SCS distribution. It is assumed that the project name indicated and the location shown was inadvertent and the Type II distribution is applicable. No action is requested for this issue unless the Type III distribution was in fact the desired analysis. If that is the case, notification is requested and further review will be required. Please note that the "Max Delta Stage" parameter for POA-4 is outside expected norms. No action is requested for this issue.

DB/db
Chason Woods Review Memo 11-11-09 PBSJ.docx

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RECEIVED
Leon County
NOV 17 2009
Growth & Environmental Management

November 13, 2009

MaryE Dyal

9304 Elgin Road

Tallahassee, Fla 32305

850-421-2484

Department of Growth Management

Frenchtown Renaissance Center

435 North Macomb Street

Tallahassee, FL 32301

To Whom It May Concern:

Chason Woods, the proposed development on the Wakulla / Leon county line includes plans for 523 homes on environmentally sensitive land outside of the established zone for such intensive building.

What part of "environmentally sensitive land" does this commission NOT understand? Why outside the established zone?

We have a unique place of land in the Wakulla Springs Basin that needs never to be developed. This piece of parcel does not need 523 homes builted on top of the Wakulla Springs Basin, for what propose? For the developers to get rich?

To have 523 homes in foreclosure? Is there a need for 523 homes in this economy when there are so many sitting empty? Has anyone including Dept of Growth really looked into the need for this many homes?

Yes, there is waste in Wakulla Springs from homes built around it but to build 523 homes ON TOP of Wakulla Springs Basin. The waste running into the Wakulla Springs Basin from these 523 homes would be a nightmare. You whom don't live in this area drink the water? What about the traffic that this will cause? Traffic on Crawfordville Hwy would come to a stand still after adding over 1000 more cars, you will have to leave on Monday to get to work on Friday. Has anyone thought of the new schools that may need to be built, roads to widen, hospital for the sick of this 523homes? All this on the Wakulla Springs Basin?

523 homes X 5 persons =2615

523 homes X 2 cars (min) =1046

Are there 523 families ready to put down 20% for one of these new homes? My guess is NO.

"In Marion County the state agency has originally approved land-use change, setting the stage for development. But as you read on September 16, 2009 issue of the Sarasota Herald-Tribune the state and county had not considered requirements that proposed developments address whether more housing is needed in the area. Study shows that these 800 homes would have been a 45yr glut?"

What gluts of homes will this 523 homes cause? 30yrs?

Yes, Wakulla and Leon County is looking for ways to shore up the short fall in this tough economy times, but this is not the way.

This County Commission and Dept of Growth Management needs to rethink this decision on what is a very bad idea.

Sincerely:

Mary E Dyal

MaryE Dyal

Crist, Cabinet reject 800-home community in Marion County

Cabinet - Land Growth
St. Petersburg Times
Kris Hundley
9/16/2009

Gov. Charlie Crist and Florida's Cabinet voted Tuesday morning in support of two citizens who argued there was no need for a new residential development in Marion County.

By rejecting a proposed 800-home community on about 400 acres outside Ocala, the state's top elected officials upheld an administrative law judge's ruling that the project would create a 45-year surplus of housing in the county.

The case was seen as a stalking horse for larger projects proposed throughout Florida that are seeking to avoid proving a need for their development. Lobbying in support of the project were the Florida Chamber of Commerce and Florida Farm Bureau Federation.

Susan Woods and Karen Lynn Recio, whose horse farms are near the proposed project, successfully fought the development for more than two years, despite having no legal training and limited financial resources.

After the Cabinet's decision, Woods said: "I always hoped that in the end we would win, and I'm very relieved and gratified to see that the truth works."

A representative of the property's owner, Castro Realty, said last week it intended to appeal if its proposal was rejected.
Times staff writer Steve Bousquet contributed to this report.

If you're out to develop housing, first prove it's needed, state says

Cabinet - Land Growth
Sarasota Herald-Tribune
Joe Follick
9/16/2009

Tallahassee Bureau

Gov. Charlie Crist and the Florida Cabinet unanimously agreed that there is no need to turn 400 acres of rural Marion County horse country into a sprawling subdivision, another signal that Florida's economic reliance on home building has ebbed.

While the decision affects just one proposed development northwest of Ocala, it may have wider implications as counties' traditional economic plan -- relying on construction for growth -- runs into a glut of housing that may take years to go away.

Tom Pelham, the secretary of the Department of Community Affairs, said the agency's decision to reverse Marion County's approval of the 800-home development was necessary to prevent unnecessary sprawl.

The state agency had originally approved Marion County's land-use change, setting the stage for development. But it later acknowledged that the state and county had not considered requirements that proposed developments address whether more housing is needed in the area.

Pelham indicated that demonstrating the need for housing would be a higher priority in consideration of development.

"If you should yield to the urging of those who would like to remove or weaken the demonstration of needs requirement, we will be sending the worst message of all to the people of this state," Pelham said to the Cabinet, "that is, the system will not protect even the most fundamental growth-management requirements."

Crist and the Cabinet agreed, upholding a judge's previous decision to deny the plan with a 4-0 vote.

The administrative judge, in his decision this year, noted that with the development of the land, Marion County would have enough houses on the market to sustain 40-plus years of anticipated population growth.

But Agriculture Commissioner Charlie Bronson warned that the Cabinet's vote may be the first in a long line of challenges as counties desperate for economic development continue to seek growth in their tax base by approving construction.

"We're going to have these clashes from now on," Bronson said. "This is just the first shot across the bow."

Tuesday's vote was also a unique display of democracy in action.
In 2007, after Marion County commissioners agreed that land in the heart of horse country could be developed to allow for two houses per acre, two neighboring residents successfully appealed the decision to DCA.

Susan Woods and Karen Lynn Recio represented themselves in the appeal to the DCA and the legal hearing.

"If you pay attention and your cause is right, and you know the rules and you play by the rules and you can make your points," Woods said, "then they will listen and they will do the right thing."

Attachment # 14
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The agency at first upheld the county's vote. But it changed its mind after considering the glut of houses on the market, and said the approval violated Marion County's growth-management plans by not taking into account that there was no need for building more housing.

A Division of Administrative Hearings judge upheld the agency's decision in February.

Even with the housing glut in the state, Pelham said applications for new developments are soaring because of a proposed constitutional amendment that voters will consider next year.

The so-called Hometown Democracy amendment would require approval from local voters for changes to local growth plans.

Business and construction groups are attacking the plan, saying the need for local referendums will choke growth.

Pelham said that requests for developments of as many as 1,000 homes are being considered in counties around the state as builders seek to avoid future conflicts if Hometown Democracy's plan is passed.

Pelham said that if the Cabinet reversed the judge's decision and allowed the development to proceed, supporters of Hometown Democracy would have had a prime example to advocate their cause.

"We would simply pour more fuel on the fires of Hometown Democracy," said Pelham.

Terri Keough, president of Castro Realty Corp., which owns the Marion County land, said the proposed development would again seek county approval.

She also suggested that the real estate market, not the state, should be the final judge of the vague concept of "need."

"Timing is everything in life. This just isn't the right time," she said, noting that all of the environmental and infrastructure requirements associated with the development were approved by the judge and DCA.

"The market really determines need," she said. "There's no one that's going to buy anything right now anyway. I'm not going to go start building something now."

Cabinet backs citizen in land-use dispute

Cabinet - Land Growth
Ocala Star-Banner
Bill Thompson
9/16/2009

TALLAHASSEE — Gov. Charlie Crist and the Cabinet on Tuesday handed a Marion County horse farmer a major win over a prominent developer by unanimously supporting a recommendation to reject a nearly 800-home subdivision in the northwest part of the county.

The decision was significant because top planners with the Department of Community Affairs, or DCA, had publicly admitted they erred in initially approving the project.

The outcome on Tuesday also might hold implications for future growth statewide, state officials predicted, as communities across Florida struggle to strike a balance of development amid a severe economic downturn and anti-sprawl activists' drive to give the public more opportunity to determine when and how their areas grow.

Tuesday's vote vindicated the long and uphill struggle Ocala horse farmer Susan Woods and a neighbor, Karen Recio, waged to hold encroachment into their rural community at bay.

Despite the developer's advocate's assertion that the case was not the media-hyped "David versus Goliath fight" it was made out to be, there was an acknowledgment by state leaders and a top environmental group that Woods and Recio had achieved something special.

"I want to thank you for your tenacity, your candor and your hard work," Crist told Woods, who had served as her own lawyer, before personally making the motion to support DCA staff's suggestion calling on the County Commission to pull the plug on the project.

Besides Crist, the Cabinet also includes state Chief Financial Officer Alex Sink, Attorney General Bill McCollum and Agriculture and Consumer Services Secretary Charles Bronson.

The board's decision, however, does not kill the project for good.

Either the developer or the County Commission have the opportunity to resubmit it to the DCA in the future.

790 HOMES PROPOSED

At issue was a project by Ocala's Castro family to build 790 homes on 396 acres at Northwest 90th Avenue and 63rd Street, the heart of Marion's horse-farm country.

In May 2007 the County Commission, against the recommendation of staff planners, approved the project as an amendment to its comprehensive land-use plan, or comp plan, and forwarded it to state planners for approval.

The commission, whose 3-2 majority included Commissioners Jim Payton, Stan McClain and Barbara Fitos, did so because the developer made a number of concessions.

Those including halving the number of planned homes from the nearly 1,600 that were permitted under land-use regulations; designating the most visible 80 acres along U.S. 27 as rural, thus saving

it from future development; and agreeing to upgrade the road and drainage capability of the flood-prone area.

The DCA subsequently supported the proposal, ruling that it complied with the commission's strategy for future growth.

In March 2008, however, Woods and Recio challenged the amendment in court, saying it did not fit the character of the community. They also argued it would unnecessarily add to an existing housing glut.

Last February Judge J. Lawrence Johnston, while agreeing with many arguments the county made in backing the project, ultimately sided with Woods and Recio.

Johnston declared that the county had not demonstrated, in accordance with state law and the comp plan, a need for 790 additional houses in that part of Marion.

A STARTLING ADMISSION

What turned the case for Woods and Recio was an under-oath admission by two top DCA officials that the agency had erred in its evaluation of the Castro project.

One of those officials acknowledged at the hearing in October 2008 that the county planning district encompassing the Castro project contained room, physically and within the comp plan, to add another 7,500 homes — almost 12 times what the county staff said was needed by 2010, when the county's planning horizon expires.

On Tuesday, DCA Secretary Tom Pelham argued for the Cabinet to deny the Castros' request to table their project until the county Planning Department completes its update of the comp plan next year.

He reiterated that his planners had goofed at first, but said they had maintained their integrity and worked to make the appropriate finding once Woods and Recio brought the error to the department's attention.

In a forceful speech, Pelham, who said developers had both criticized his decision and lobbied him to reverse it, spelled out the adverse repercussions if the Cabinet took the "unprecedented" step of failing to back a routine recommendation to uphold existing laws and policies.

Doing that, he said, "would take away from these ladies their hard-fought victory" and would tell citizens across Florida who want to follow their lead in championing quality growth "don't bother . . . the system is not going to protect your interests."

That alone, he said, would fuel the effort of Florida Hometown Democracy, a grassroots anti-sprawl advocacy group that is trying to pass a constitutional amendment to put comp-plan amendments to a local vote.

Pelham added that a nay vote would send other messages to other constituencies.

Local governments that want to flout their own comp plans, Pelham said, would learn "you need not follow your own plan because the system will not do anything to you."

Meanwhile, developers, who in some communities are rushing plans featuring as many as 100,000 new homes in a push to beat the mandates Hometown Democracy seeks, would be told "the system will not enforce the most fundamental growth-management rules."

In addition to Woods and Ralf Brookes, a lawyer who advised her and Recio along the way, representatives of the environmental groups 1,000 Friends of Florida and the Florida Wildlife Federation, also urged the Cabinet to support Pelham's plan.

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IN DEFENSE OF THE PROJECT

In defense of the project, Fitos asked the Cabinet to simply allow the County Commission to shelve the Castro project, which she called "exemplary" of the future growth the county wants to promote, until the new guidelines are written. She also asked that the county not be penalized for its vote.

Linda Shelley, a former DCA secretary representing the developers, and Castro Realty Corp. President Terri Keough joined in the call for a delay, saying there was no harm in doing so.

Shelley said this dispute was not about "good versus evil, saints versus sinners" or a "David versus Goliath fight."

It was about a family wanting to bring a "high-quality" development to land it has owned for more than 50 years, she said, and treating them fairly by allowing them to be judged by the new standards without having to start over — or paying the county the required $50,000 filing fee.

Pelham, in response, countered that nothing prevented the developers from filing again. And they could even do so at no cost, if the county packages it with its proposed comp plan changes next year.

After McCollum and Bronson received answers to a number of questions they posed, the Cabinet went with Pelham.

McCollum was concerned the Castros were not being singled out. Assured they were not, he said he was sympathetic to both sides, but opted to support Pelham for fear of setting a new precedent.

Bronson warned that this case "was the first shot across the bow" on growth.

As communities struggle with demand for growth and economic development and are countered by residents' desires to check that, "this is what's going to happen from now on," he said.

With the vote, the County Commission has 60 days to rescind the comp plan amendment approving the Castro project.

If the board does not, the Cabinet could impose sanctions, including stripping the county of state-shared revenues.

"It was an amazing victory for anybody who wants to be part of the system," Woods said after the decision, attributing the outcome to "stubbornness" and the integrity of Pelham and his staff.

"If you pay attention, know the rules and play by the rules, you can make a difference," she said.

Still, Woods had a sense she would be back someday — something Keough concurred with.

Keough said afterward she was not surprised by the Cabinet's vote. But it will not deter her from pressing forward with the project.

"We were looking to raise the bar (on growth)," she said. "Something will happen on that land. It's not a matter of if, but when. This isn't the end of the story. It's just another chapter."

Bill Thompson can be reached at 867-4117.