



October 27, 2020

Mayor John E Dailey
Mayor Pro Tem Dianne Williams-Cox
Vice Chair City Commissioner Curtis Richardson
City Commissioner Elaine Bryant,
City Commissioner Jeremy Matlow
County Commissioner Mary Ann Lindley County
Commissioner Nick Maddox
County Commissioner Bill Proctor
County Commissioner Jimbo Jackson County Commissioner Rick Minor
Count Commissioner Bryan Desloge, Chair County Commissioner Kristin Dozier

Dear Commissioners,

This letter is prepared for both City and County Commissioners on behalf of Killearn Estates on the Welaunee Arch CPA and Master Plan. As many of you know, stormwater and transportation are probably the two (2) largest issues related to new development effecting our community. It is imperative at this time to have similar language as stormwater included for transportation to ensure adequate infrastructure capacity levels are meet when a project is improved.

Currently, Comprehensive Policy language for stormwater (under Public Facilities and Infrastructure, Policy 13.2.23: Stormwater Management) generally states:

Prior to approval of the first PUD Concept Plan, a Stormwater Facilities Master Plan for the entire Arch shall be prepared with conceptual and generalized land uses based upon the maximum development allowed by this master plan.

Up to this point, Killearn Estates has been carefully monitoring the Welaunee Blvd. Road extension and traffic models. Until recently, we learned of the increase in land use densities/intensities for the Arch, which are well above those that were modeled for this roadway project. The Year 2045 roadway model only assumed approx. one-third (1/3) of the land uses now being proposed.

At the time of the transportation model for Welaunee Blvd. and Shamrock South Extensions was approved impacts to surrounding roadways were identified and a level of comfort was realized to support moving forward. However, without further regional modeling for the balance or two-thirds (2/3) of the proposed Arch, you will be doing a disservice to our community in the future unless either;

- a detailed traffic model analysis is required now for full buildout (similar to stormwater) or
- include 'stop clause' for the Arch as to when the transportation model is reevaluated.

Others including Keep it Rural (KIR), Alliance of Tallahassee Neighborhoods (ATH), Buckhead neighborhood and FDOT join us in our concern to understand impacts to area roads, ensure that

transportation infrastructure will meet adopted level-of-service standards and improvements are fully funded to accommodate added development traffic. No party has received response on this topic.

It has been stated that the developers will pay for an expansion to roadways needed in the future, but you must understand that this is FALSE. City staff has proposed that when an individual PUD comes in for approval (whether on the City's property or the Arch) a transportation concurrency analysis will be performed. With transportation concurrency, **advantages of having a large scale development with a single landowner are LOST since numerous PUDs with come in over time, piecemealed and reviewed independently.**

To understand the required traffic studies for a PUD please ask your Growth Management staff who is in charge of transportation concurrency. In summary, concurrency is:

1. Not reviewed by the general public.
2. Not a regional cumulative analysis.
3. Does not ensure the needed transportation infrastructure is in place to handle a project's added traffic.
4. The last developer in pays the most with earlier developers paying little to nothing.
5. At completion of this study, the end result is some developers must pay a proportionate share mitigation cost as to how many trips their project adds to overcapacity road.
6. Very important to review City's concurrency policy on 'Aggregation' (*see attached Policy*) which reads.
 - a. It eliminates assessment of cumulative traffic impacts
 - b. Piecemeals land use planning
 - c. Less fees are collected.
7. Lastly, based on practical experience concurrency monies collected are not sufficient to fund needed additional transportation infrastructure, nor will that infrastructure be in place prior to the development being built. completion.
 - ➔ Sample - Bannerman Road (concurrency money from the entire Northeast region has been collected for this road widening project for 10 years and yet is not even close to being adequate funding to pay for that \$39M+ widening project.

This region will experience development of large scale projects as follows with a high magnitude of new trips forecasted to be generated, *see attached property owner map:*

Density/Intensities	Canopy CDD	City's 430 Acre PUD	Arch Per Welaunee Yr. 2045 Model	Arch Master Plan (Buildout)
Residential DU:	1570 + 170 beds ALF	1,817	4,360	12,500
Non-Residential Sq. Ft.:	501,549	272,000	800,000	3,000,000
PM Peak Hr. Trips:	1,736	1,900 Estimated	4,000 Estimated	10,000 Estimated
	APPROVED Concurrency	No Concurrency	No Concurrency	No Concurrency

On behalf of Killearn Estates we submitted draft transportation language on 10/22/20 to the landowner representative/City requiring a transportation model. We have yet to hear back.

Unlike any other large project in the City, where staff would require a regional model to assess and identify its transportation impacts, this project is being treated differently. There are advantages and



disadvantages to doing a regional model analysis now versus later, which all needs to be discussed and evaluated and who should conduct this analysis.

We would request you delay your vote to include critical transportation language into the CPA and master plan so the community will not be gridlocked due to a lack of poor planning at this stage.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Debbie M. Dantin', is written over a light blue horizontal line.

Debbie M. Dantin, P.E.

cc: Mr. Dave Ferguson, President Killearn Homes Association

Attachment



Agenda Item Details

Meeting	Sep 27, 2017 - City Commission Meeting
Category	13. POLICY FORMATION AND DIRECTION
Subject	13.04 Proposed Revisions to Concurrency Policy to Eliminate Aggregation Requirement -- Karen Jumonville, Growth Management
Type	Action, Discussion
Preferred Date	Sep 27, 2017
Absolute Date	Oct 25, 2017
Fiscal Impact	No
Recommended Action	Approve changes to the Concurrency Management System Policy and Procedures Manual to eliminate policy 7.4.0 requirement to aggregate development of two or more properties for the purposes of concurrency review (including the assessment of cumulative traffic impacts) when they are "physically proximate" to one another and they are determined to be part of a "unified plan of development."

For more information, please contact: **Keith Burns at (850) 891-7115**

Statement of Issue

Staff proposes to eliminate aggregation of projects for traffic impact analysis. This change is intended to lower the cost of transportation concurrency mitigation paid by developers in order to encourage increased investment and expansion of existing developed sites.

Recommended Action

Option 1: Approve changes to the Concurrency Management System Policy and Procedures Manual to eliminate policy 7.4.0 requirement to aggregate development of two or more properties for the purposes of concurrency review (including the assessment of cumulative traffic impacts) when they are "physically proximate" to one another and they are determined to be part of a "unified plan of development."

Fiscal Impact

There is no fiscal impact with this item.

Supplemental Material/Issue Analysis

History/Facts & Issues

In traffic analysis, "aggregation" is the process of combining, or "aggregating," the impacts of multiple projects that are related to each other by ownership or common development in order to comprehensively analyze the combined effects of the multiple related projects. The aggregation section in the City's Concurrency Management System Policy and Procedures Manual is similar to state law requirements for large developments (Developments of Regional Impact, or DRIs).

The City of Tallahassee's Concurrency Management System is authorized by Chapter 4 – "Concurrency Management" of the City's Land Development Code, with the implementation of the concurrency process defined in the Concurrency Management System Policy and Procedure Manual. This document is a policy manual approved by the City Commission. The proposed changes referenced in this agenda item are consistent with the Land Development Code and therefore do not require modifications to the Code or the ordinance and public hearing requirements that would be necessary for a Land Development Code modification.

The Concurrency Management System requires that applicants submitting applications for development orders, such as site plans and subdivisions, also apply for a transportation and stormwater (as applicable) concurrency review. The transportation concurrency review determines if there is adequate roadway capacity to accommodate the impact of the proposed project after existing traffic, previously approved projects, and the proposed project's traffic are taken into account.

Policy 7.4.0 of the Concurrency Management System Manual requires that related projects be aggregated. This means a project subject to aggregation are evaluated not only for the impacts of the currently proposed project, but also the cumulative traffic impact of that project in addition to recently approved or other proposed developments. Aggregation of traffic impacts results in the evaluation of more total overall trips and a larger study area. As the overall trips increase for projects, the traffic impact area increases. Trips associated with projects that are aggregated with one another are added together for the purpose of determining the appropriate radius of roadway network impacts. Trips associated with projects that are aggregated are added together to determine if the combined project trips will exceed the available capacity of a roadway segment. Applicants are not required to mitigate impacts previously accounted for in earlier traffic impact evaluations; however they are required to account for the overall increased number of trips attributable to the single unified development.

Concurrency aggregation has been criticized as an unreasonable financial burden that discourages investment and the expansion of existing developed sites. Aggregation typically results in higher transportation mitigation fees than would otherwise be paid by development reviewed in smaller increments because 1) projects tend to put additional trips on segments that are almost or already over capacity, as well as 2) the transportation impact study area is expanded to include over capacity segments that are close to the interstate or highways. Staff has received feedback from the local development community that concurrency aggregation punishes developers of large parcels, and especially subsequent buyers of individual sites within larger properties, by making it more expensive to expand.

Applicants often have the misconception that aggregation results in projects paying twice for trips on over capacity segments. This is not the case. Aggregation combines the impacts of two related projects, but only results in a transportation mitigation fee for the project currently being studied.

Aggregation is designed to encourage development to be strategically planned at one time with a complete accounting of all impacts to public facilities, as opposed to "piecemeal" planning that involves various unsystematic developments over a period of time. Master planned developments that are aggregated for concurrency review also benefit the developer by allowing a multi-phase project that may be constructed over a longer period of time to be approved using known present day transportation and policy conditions. In practice, aggregation may penalize developers (and their subsequent buyers) who are not able to, or choose not to, make specific development plans far in advance of actually developing all of their lands. This results in cases where a small, single-parcel development may have a smaller concurrency mitigation payment than would the same size development if that development were part of a larger landholding or project.

In an effort to promote development, increase parity between smaller and larger developments, and provide more certainty to developers, staff proposes to eliminate the aggregation requirement of the concurrency manual. This will simplify the review process by analyzing only the direct impacts of a single development, without accounting for the additional trips generated by related projects. Eliminating aggregation may make the concurrency review process less onerous for developers of large-scale projects and may reduce transportation

mitigation fees. State law requirements requiring aggregation for projects such as Developments of Regional Impact remain in place, so those projects (such as Southwood) are not affected by this policy change. Similarly, if a developer seeks long-term concurrency approval for a master-planned project through a development agreement, then the total impact of the project being approved would be analyzed at the time of approval.

This change is not expected to result in significant differences in staff time for most projects, but may save research time in determining which projects are required to be aggregated. This change will save applicants subject to aggregation the time involved in reviewing and discussing aggregation requirements, and will add certainty to the concurrency process.

The proposed modifications to the Concurrency Management System Policy and Procedures Manual are provided in Attachment 1.

Options

1. Approve changes to the Concurrency Management System Policy and Procedures Manual to eliminate policy 7.4.0 requirement to aggregate development of two or more properties for the purposes of concurrency review (including the assessment of cumulative traffic impacts) when they are “physically proximate” to one another and they are determined to be part of a “unified plan of development.”

Pros:

- Make the traffic concurrency system more development friendly, with added certainty of what will required to be analyzed
- **Reduce transportation mitigation fees, specifically for large-scale developments**
- Simplify the transportation concurrency review process

Cons:

- **Possibility of encouraging “piecemeal” land planning that involves various unsystematic developments over a period of time**
- **Less transportation mitigation fees may be collected for roadway expansion**

2. Do not approve changes to the Concurrency Management System Policy and Procedures Manual to eliminate policy 7.4.0 requirement to aggregate development of two or more properties for the purposes of concurrency review (including the assessment of cumulative traffic impacts) when they are “physically proximate” to one another and they are determined to be part of a “unified plan of development.”

Pros:

- Transportation mitigation fees will continue to be collected at the same or similar levels as today
- Large-scale projects will be planned in a strategic, versus piecemeal fashion

Cons:

- Developers may continue to feel that concurrency aggregation punishes developers of large sites by making it more expensive to build master planned developments
- Applicants may continue the misconception that they are paying twice for trips on over capacity segments.

Attachments/References

1. Revised Section of Concurrency Manual

Attachment 1.pdf (87 KB) (/fla/talgov/Board.nsf/files/ARFTSF72320E/\$file/Attachment%201.pdf)

7.0.0 MISCELLANEOUS PROVISIONS

7.1.0 FEES

7.1.1 Concurrency fees shall be based on the fees established by Resolution and shall be due at the time of submission of the application. All first submittals shall be assessed at the minimum fee for the appropriate land use associated with the project.

7.1.2 Impact fees shall be based on the fees established in either the appropriate ordinance or resolution and shall be due at the time of issuance of the "Certificate of Concurrency" or the "Conditional Certificate of Concurrency". Impact fees will be paid within forty-five (45) working days of notice or the application will be denied and the applicant will need to resubmit an application, if so desired.

7.2.0 APPEAL

Should an appeal be necessary, it shall be submitted, in writing, to the Growth Management Director within fifteen (15) calendar days of denial of a "Certificate of Concurrency" by CM. The date on the denial letter shall be the date used to calculate the commencement of the fifteen (15) day period. The decision of the Growth Management Director shall be final.

7.3.0 DEVELOPMENT AGREEMENTS

Development Agreements shall be developed, between the Applicant and the Concurrency Management Officer, based upon the individual needs of the development and will be submitted to the City Commission for final approval.

A transportation concurrency analysis will be based on the development being approved as part of the subject development agreement or other development order. A transportation concurrency analysis will not be aggregated with previously approved development orders (for example, the ITIN and CTAN study areas and roadway segment impacts will be based only on the project being approved under the subject concurrency review, and the project trips are not required to be aggregated with other previously approved development orders).

Developments of Regional Impact will be analyzed, and may be subject to aggregation, based on applicable state law.

7.4.0 AGGREGATION

~~a) Development of two or more properties shall be aggregated and treated as a single project for the purposes of concurrency review (including the assessment of cumulative traffic impacts) when they are "physically proximate" to one another and they are determined to be part of a "unified plan of development".~~

~~b) For the purposes of aggregation, two or more properties shall be considered "physically proximate" when the properties are located within 1,000 feet of one another. Furthermore, two or more properties shall also be considered "physically proximate" when the properties sought to be aggregated are separated by properties that have been determined to be a part of a unified plan of development with any of the properties sought to be aggregated.~~

~~e) A unified plan of development shall be presumed to exist when two (2) or more of~~

the following criteria are met:

- ~~1) The same person has (or within the previous 5 years has had) a significant legal or equitable interest in the properties sought to be aggregated. "Significant legal or equitable interest" means that the same person has an interest or an option to obtain interest of more than 25 percent (25%) in each development.~~
- ~~2) The same person or entity has within the previous 5 years retained or shared control of the developments.~~
- ~~3) There is common management of the developments controlling the form of physical development or disposition of parcels of the development.~~
- ~~4) There is a voluntary sharing of infrastructure that is indicative of a common development plan between the properties sought to be aggregated, or is designed specifically to accommodate the development to be aggregated, except that which is implemented because it was required by the City; Water Management District; Department of Environmental Protection; the Division of Florida Land Sales, Condominiums and Mobile Homes; or the Public Service Commission.~~
- ~~5) There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.~~
- ~~6) There is a master plan or series of plans or drawings indicative of a unified plan of development that has been submitted to a government agency.~~

~~d) The applicant may overcome the presumption of a unified plan of development providing the Department clear and convincing evidence that a unified plan of development does not exist. In addition, in instances where the aggregation status of a parcel is debatable or unclear, the applicant, land owner and/or developer may be required to provide a notarized affidavit attesting to the validity of the evidence presented.~~

~~e) Notwithstanding any of the aforementioned guidelines and standards for aggregation, portions of existing development for which a final certificate of occupancy (or the equivalent thereof) was issued at least 5 years prior to the application date shall not be subject to aggregation.~~

~~f) For the purposes of assessing the cumulative transportation impacts of a proposed project that is subject to aggregation with previously approved or with other proposed development, the following methodology will apply:~~

- ~~1) Trips associated with projects that are aggregated with one another under the provisions of Section 7.4.0 herein shall be added together for the purpose of determining the appropriate radius of the ITIN and the CTAN.~~
- ~~2) Trips associated with projects that are aggregated with one another under the provisions of Section 7.4.0 herein shall be added together for the purpose of determining whether the proposed project will exceed the applicable significance thresholds on a roadway segment.~~
- ~~3) When applying the proportionate share formula under Section 6.4.5 herein,~~

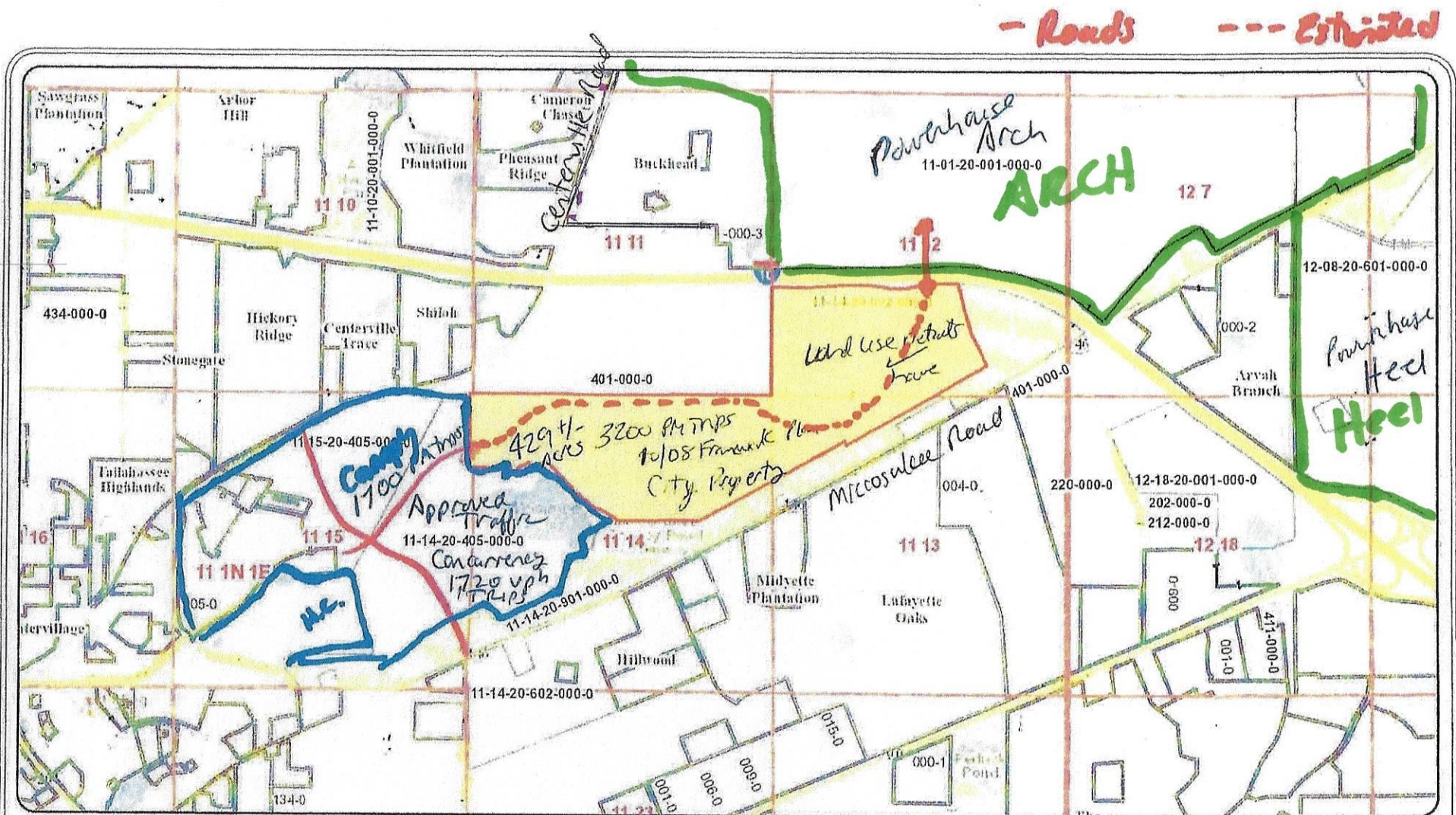
~~Project Demand (Variable A) shall consist only of the "non-approved" project trips that are shown to impact a road segment. In other words, "Variable A" shall include only those project trips above and beyond the number of trips on a road segment attributable to the aggregated project or project(s) already approved for concurrency.~~

~~g) The following activities or circumstances shall not be considered in determining whether to aggregate two or more developments:~~

- ~~1) Activities undertaken leading to the adoption or amendment of the comprehensive plan.~~
- ~~2) The fact that the same lender has a financial interest, including one acquired through foreclosure, on two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.~~
- ~~3) Drainage improvements that are not designed to specifically accommodate the types of or developments sought to be aggregated.~~
- ~~4) City streets or any infrastructure provided by such entities as the City of Tallahassee, community development district pursuant to Chapter 190, FS, or Talquin Electric Cooperative.~~

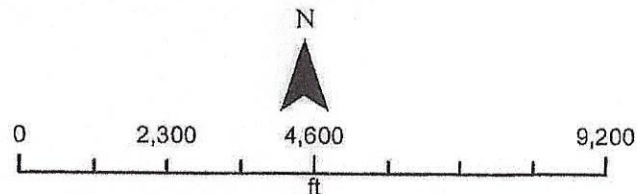
~~h) Notwithstanding any of the aforementioned guidelines and standards for aggregation, in order to provide intergovernmental consistency in the review of project impacts, for properties that are subject to State DRI Review, the City may opt to apply the state guidelines, standards and rules for aggregation in lieu of any the concurrency aggregation requirements or aggregation exemptions contained herein.~~

~~i) In order to encourage developers to design, finance, donate or build infrastructure, public facilities or services, the Director may agree to waive the criteria in Section 7.5.0 e) (1) (above) under circumstances where the sharing of infrastructure is voluntary, but is recommended by the City due to its clear, overall public benefit. In the event that the Director chooses not to agree to waive the criteria in Section 7.5.0 e) (1) (above) the developer(s) may request that the City Commission enter into a development agreement that provides the specific terms and conditions through which this criteria will be waived.~~



Leon County Property Appraiser

Legend		
	Township	Lot
	Section	Building
	Subdivision	Access Easement
	Tax Parcel	River
		Waterbody
		Park
		City Limit
		Imagery 1/2015



DISCLAIMER: This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

Date Drawn: Jun 25, 2019

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