

<p>TEXT AMENDMENT #: PCT100204</p> <p>APPLICANT: Tallahassee-Leon County Planning Department</p> <p>TEXT / POLICY I.D.: Land Use Element, Policy 2.2.16</p> <p>CITY <u> X </u> COUNTY <u> X </u></p> <p>DATE: December 7, 2009</p>
<p>STAFF RECOMMENDATION: Staff recommends approval. (D.L.)</p>

A. SUMMARY:

This proposed amendment clarifies airport uses in the Government Operational land use category, and states that government facilities may include services and uses provided by private entities operating on government-owned property.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The proposed revision to Policy 2.2.16 recognizes the existing practice of leasing space to vendors on government property for accessory uses.
2. Space not in use for aeronautical purposes at a commercial service airport is available only by lease to private business by the sponsoring airport authority. The GO category in the past has not clearly recognized accessory uses by vendors operating under lease.
3. The proposed modification would explicitly articulate an implicit non-governmental use customarily occurring on a number of government-owned properties.

C. EXISTING POLICY:

Policy 2.2.16: [L]
GOVERNMENT OPERATIONAL (*Effective 8/17/9; Rev. Effective 7/26/06; Renumbered 3/14/07*)

Facilities, which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure, and Post Secondary, which provide for the operation of and provision of service by local, state and federal government. These facilities shall include but are not limited to:

- | | |
|----------------------|-------------------------------|
| Courts | Waste to Energy |
| Police/Fire Stations | Materials Recovery Facilities |

Offices	Sanitary Sewer Sprayfields
Postal Facilities	Sanitary Sewer Percolation Ponds
Health Clinics	Airports
Water Wells	Electric Generating Facilities
Electric Sub-Stations	Incinerators
Water Tanks	Sanitary Sewer Pump Stations
Libraries	Outdoor Storage Facilities
Museums	Vehicle Maintenance Facilities
Water Treatment Plants	Correctional Facilities

D. PROPOSED POLICY:

Policy 2.2.16: [L]

GOVERNMENT OPERATIONAL (*Effective 8/17/9; Rev. Effective 7/26/06; Renumbered 3/14/07*)

Contains fFacilities, which include those defined on the Land Use Development Matrix as Community Services, Light Infrastructure, Heavy Infrastructure, and Post Secondary, ~~which that~~ provide for the operation of and provision of services on property owned or operated by local, state and federal government. The government facilities may include services and uses provided by private entities operating on property owned by the local, state, or federal government. These facilities shall include, but are not limited to:

Airports*	Offices
Correctional Facilities	Outdoor Storage Facilities
Courts	Police/Fire Stations
Electric Generating Facilities	Sanitary Sewer Percolation Ponds
Electric Sub-Stations	Sanitary Sewer Pump Stations
Health Clinics	Sanitary Sewer Sprayfields
Libraries	Vehicle Maintenance Facilities
Incinerators	Waste to Energy
Materials Recovery Facilities	Water Tanks
Museums	Water Treatment Plants
Postal Facilities	Water Wells

*Includes services and uses provided by private entities that are commonly located at commercial service airports.

[Note: the list of facilities in the existing and proposed are the same, but have been put in alphabetical order for the proposed amendment.]

E. APPLICANT’S REASON FOR THE AMENDMENT:

The Government Operational category includes “airports” in its list of allowable facilities, but lacks specificity regarding the range of uses typically associated with a

commercial airport. The policy as adopted also lacks recognition of accessory uses by vendors on government-owned property.

F. STAFF ANALYSIS:

Background

Land Use Element Objective 2.2 of the Comprehensive Plan provides guidance for the mapping of Future Land Use Categories. These categories are designed to provide a variety of land use types and patterns to meet the needs of the community. Policy 2.2.16 of the Land Use Element describes the types of facilities included in the Government Operational land use category. Government Operational allows community services, light and heavy infrastructure, and other uses that provide for the operation and provision of services by government. Uses not allowed under the category include residential and commercial.

It is typical, however, for certain types of government-owned properties to lease space to vendors for various purposes. Although much of the downtown, FSU, and FAMU areas are government-owned and within the GO category, accessory uses by leasing vendors have been permitted. Flag Credit Union was built in 1994 on acreage leased from the Florida Department of Agriculture because the credit union was viewed as accessory use. The proposed revision to Policy 2.2.16 clarifies this existing practice.

The main aeronautical-based land uses are those related to the operation of a commercial service airport: airfield, runways, taxiways, aprons, terminals, navigational aides, aircraft rescue and fire fighting, air traffic control tower, cargo, and general aviation. Space not used for aeronautical purposes at a commercial service airport, from the smallest retail kiosk to the largest aeronautical-related industry, is leased to private business by the sponsoring airport authority, similar to the model of a retail shopping mall. Non-aeronautical uses customarily leasing space at a commercial service airport include commercial, industrial, retail, office, hotel, restaurant, warehouse, storage, distribution, and manufacturing uses.

The Airport DRI development order provides guidance and detail regarding specific uses and placement on Airport property, consistent with the Airport Master Plan. However, the 2009 Legislature passed Senate Bill 360, which resulted in the City being designated a Dense Urban Land Area (DULA). DULAs may be exempt from concurrency and are exempt from DRI requirements. Planning staff is reviewing a comprehensive plan amendment to designate certain airport property as Government Operational and to move the Urban Services Area boundary to include the entire airport (*see proposed amendment PCM100203*), in advance of City staff developing a resolution rescinding the Airport DRI development order.

Purpose of proposed amendment

Recent legislative changes regarding the ability of a DRI within City limits to request the rescission of its development order necessitates clarification of the Government Operational land use category. The Government Operational land use category was established as an ownership category to offset distortions of land use allocations due to the substantial amount of government-owned acreage in Leon County. Therefore, the GO category in the past has not clearly recognized accessory uses by vendors operating under lease.

The Airport DRI is predominantly within the GO land use category. There are also three other DRIs within City limits that are wholly or substantially inside the GO land use category: Tallahassee Leon County Civic Center DRI, Department of Education Office Building DRI, and Sunland/FDLE DRI. Revision of the policy provides clarity for these DRIs also, should they seek rescission of their respective development orders.

Consistency with the Comprehensive Plan

The proposed amendment would also clarify an apparent irregularity within Land Use Policy 2.2.26 (Land Use Development Matrix). The matrix indicates that commercial, office, light and heavy industrial uses are incompatible/not allowable in Government Operational. However, as indicated above, commercial service airports customarily have commercial, office, and light and heavy industrial uses occurring on airport property under lease to private entities. The proposed modification would explicitly articulate an implicit non-governmental use customarily occurring on a number of government-owned properties.

G. CONCLUSION:

Based on the above data and analysis, Planning Department staff recommends approval of the amendment request for the following reasons:

1. The proposed revision to Policy 2.2.16 recognizes the existing practice of leasing space to vendors on government property for accessory uses.
2. Space not in use for aeronautical purposes at a commercial service airport is available only by lease to private business by the sponsoring airport authority. The GO category in the past has not clearly recognized accessory uses by vendors operating under lease.
3. The proposed modification would explicitly articulate an implicit non-governmental use customarily occurring on a number of government-owned properties.