SUMMARY

Property Owners: Ananeoo Trust, Inc.  
Applicant: Jim King  
TLCPD Staff: Stephen M. Hodges  
Contact Information: Stephen.Hodges@talgov.com  
                      (850)891-6408

Property Location: 3503 Financial Plaza  
Amendment Type: City Small Scale Map Amendment

Current Future Land Use & Zoning:  
Future Land Use: Government Operational  
Zoning: Planned Unit Development

LPA Recommendation:  

Future Land Use & Zoning:  
Future Land Use: Activity Center  
Zoning: Activity Center

Staff Recommendation:  
Adopt

Date: 11/17/2021  
Updated: 2/4/2022
A. REASON FOR REQUESTED CHANGE
The applicant has requested a Future Land Use Map (FLUM) and zoning change on a single vacant property 0.33 acre in size in the City of Tallahassee.

The intent of this request is to change to a land use category and zoning district that allow commercial activities and a permanent structure on the subject site. At present, the subject site’s current FLUM and zoning designations do not allow these proposed uses.

B. CURRENT AND PROPOSED FUTURE LAND USE DESIGNATION
The Subject site is currently designated Governmental Operational (GO) on the Future Land Use Map (FLUM). The GO designation was intended to recognize and accommodate several high-power electric transmission lines crossing the subject site from east to west and the easements currently on the site. The proposed amendment would change the FLUM designation of the area to High Intensity Urban Activity Center (AC). The following maps illustrate the current and proposed FLUM designations for the subject site.
Current Future Land Use Map Designation

<table>
<thead>
<tr>
<th>Current Designation</th>
<th>Proposed Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Operational (OS)</td>
<td>High Intensity Urban Activity Center (AC)</td>
</tr>
</tbody>
</table>

Proposed Future Land Use Map Designation
C. STAFF RECOMMENDATION

Find that the proposed future land use map amendment is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and recommend ADOPTION of the proposed amendment.

Find that the proposed rezoning is consistent with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and recommend APPROVAL of the proposed rezoning.

D. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

E. Find that the proposed future land use map amendment is [consistent/inconsistent] with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and [ADOPT/DENY] the proposed amendment.

F. Find that the proposed rezoning is [consistent/inconsistent] with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and [APPROVE/DENY] the proposed rezoning.

G. SUMMARY OF FINDINGS

Staff presents the following findings of fact:

1. The subject site is currently vacant and is classified in the Existing Land Use database maintained by the Planning Department as Transportation/Communications/Utilities.
2. The adjacent parcels to the north and east of the subject site are utilized solely as a paved parking area. The portion of the parcel on the west side of Financial Plaza is also a paved parking area. A gas station with a convenience store is located on the south side of Maclay Commerce Drive.
3. There are five electric transmission lines that cross the subject site. There are also five electric support poles located on the subject site.
4. TLCGIS data indicate no significant environmental features on the subject site.
5. City of Tallahassee gas, water, and sewer services are available to the subject site.
6. The proposed amendment is expected to have no anticipated adverse impacts to existing or planned infrastructure. However, any use of the site is subject to the City of Tallahassee’s Electric and Gas Utility’s Electric Transmission Easement/Right of Way (ROW) Policy.
7. The proposed land use amendment would be consistent with Policy 2.2.9: [L] which creates the High Intensity Urban Activity Center land use category.
H. STAFF ANALYSIS

History and Background

The subject site is comprised of a single vacant parcel (#1105200040050) 0.33 acre in size (based on the legal description) in the City of Tallahassee. The current owner of the subject site had been leasing this property from the previous owner in order to sell Christmas trees and pumpkins. Two temporary structures have been constructed on the subject site for the same purpose. The owner states in his application that he desires a “permanent pole barn for [his] Pumpkin and Christmas tree business,” as well as a small office. A local farmer’s market operating out of Market Square also desires to operate under this pole barn, if it can be permitted under or near the electric power lines. Under the present zoning, this proposed use cannot be permitted. However, it would be permissible under Activity Center zoning. Hence, the proposal to change the land use and zoning designations from Government Operational land use with PUD-15 zoning to High Intensity Urban Activity Center land use and High Intensity Urban Activity Center zoning.

Based on aerial photographs from 1937 to 2020 provided by the Tallahassee – Leon County Geographic Information Systems (TLCGIS) department, this area of Leon County was rural and used mostly for pasture in the early part of the 20th century. Staff conducted a historical analysis utilizing aerial photographs of the subject site from 1937 through 2020. This analysis indicates the following:

- 1983 – The subject site has been cleared of vegetation and several high-power electric transmission lines cross the subject site that connects to a substation to the west. This transmission line is part of a larger collection of distribution circuits that exist at the present time.
- 1990 – The subject site appears unchanged. However, Maclay Commerce Drive has been constructed, and Financial Plaza appears to be under construction.
- 1996 – Financial Plaza has been completed, and there are paved parking lots located immediately east and north of the subject site. The parking lots are associated with several non-residential developments facing Thomasville Road.
- 2001 – No change.
- 2007 – A paved parking lot has been constructed on the west side of Financial Plaza. It too is associated with a non-residential development to the north of the parking lot that faces Financial Plaza.
- 2019 – A frame for a temporary structure is being (or has been) constructed on the subject site under the two largest of the electric transmission lines crossing the subject site.
- 2020 – A temporary structure has been constructed on the subject site in the area beneath the electric transmission lines crossing the subject site.
- 2021 – An additional, smaller temporary structure has been constructed on the subject site in the area beneath the electric transmission lines crossing the subject site.
Zoning and Land Use History

The subject site has been designated Government Operational (GO) on the Comprehensive Plan's Future Land Use Map since 1990. The site was zoned Planned Unit Development (PUD) in 1984. This PUD is known as the Villages of Maclay.

According to an email dated January 25, 2019 from the City’s Growth Management department to the applicant, the PUD-15 zoning category allows the following uses in Block O, which is where the subject site is located:

“Allowed uses in Block O are r.v. [sic] and boat storage (not to exceed 2 acres), multi-purpose sports field, bike and pedestrian trails, handball/tennis/racquetball courts; pool club; stormwater retention and drainage facilities; utilities; parking (not to exceed 1.43 acres); and sodding and landscaping.”

Easements

There are at least two easements that directly affect the subject site. An electric easement owned by the City of Tallahassee crosses the subject site from east to west. This easement was established by the City from four private property owners in late 1973 or early 1974 for the construction, operation, and maintenance of one or more electric transmission lines with compensation paid for both the value of the easement and damage to the remainder of the parcel. Such easements normally grant the City full access to the area subject to the easement for inspection, installation, repair, and removal of electric transmission lines and related equipment. The grantor of the easement normally retains full ingress and egress, as well as additional rights to use this area as long as any land use activities and structures, vegetation, or other obstructions do not interfere with the rights granted to the City.

There is a private, perpetual drainage easement “over, across and under” the subject site that was granted to Money Back, Inc. from Thomasville Properties, Inc. and Ralco, Inc. The easement allowed stormwater runoff to flow onto and across the subject site from property owned by the Grantor. This easement was granted on September 29, 1986. There are no known stormwater facilities on the subject site.

A third easement may possibly affect the subject site. Although the exact location of this easement has not been surveyed, there is a perpetual, non-exclusive, 30’ easement for egress, ingress and utilities upon and under property that is part of the Villages of Maclay. This private easement, which appears to lie under or parallel to Maclay Commerce Drive, was obtained by the developer of the Villages of Maclay from Sunrise Savings and Loan Association, who previously held a mortgage on the property developed as the Villages of Maclay.

The following two maps indicate the location of the two mapped easements in relation to the subject site.
Location of City of Tallahassee Electric Easement on Subject site
Location of Private Drainage Easement on Subject site

Any use of the site is subject to the City of Tallahassee’s Electric and Gas Utility’s Electric Transmission Easement/Right of Way (ROW) Policy. This policy states that “The property owner has the right generally to utilize the Transmission Easement for any use or purpose which does not interfere with the City’s rights.” The Policy states that “The rights acquired, as specified in the Transmission Easement, will generally include, but may not necessarily be limited to, the right of unlimited access necessary to patrol and maintain, the right to enlarge, replace, add to, delete from, and construct additional power lines within easement/right-of-way limits. In addition, the City has the right to set reasonable standards of use necessary to preserve the unencumbered ability of the City to maintain existing and construct future power lines within its easement/right-of-way boundaries.”

Therefore, according to this Policy, the basic criterion for the use of the subject area for anything beyond its current allowed uses within this easement is that any construction or installation of any paving, landscaping, or improvements placed within the easement either above or below ground is subject to the City’s rights of ingress, egress, maintenance, and construction. Any proposed improvements must be submitted in writing to the Electric & Gas Utility complete with a project
narrative and plans that include the location of easement/right-of-way boundary, existing structures and facilities, and the proposed improvements with project limits.

City of Tallahassee Permit History
At this time, the City’s Growth Management Department has issued a tent permit for pumpkin and Christmas tree sales this season.

Development Pattern
The general development pattern of this portion of the City of Tallahassee is predominately non-residential, including banks, offices, grocery stores, restaurants, and a fueling station with a convenience store to the immediate south of the subject site. An area of low-density residential is located a quarter mile to the west of the subject site. This residential area is composed of single-family houses.

Current and Proposed Future Land Use Categories
The complete comprehensive plan policies for Government Operational (Policy 2.2.16: [L]) and High Intensity Activity Center (Policy 2.2.9: [L]) are included as Attachment #1.

Government Operational (Current)
The Government Operational (GO) FLUM category specifically allows facilities that provide for the operation of and provision of services on property owned or operated by government. The current use of this category for the electric transmission line crossing a portion of the subject site is consistent with this description, which is one of the allowable uses listed in Policy 2.2.16.

High Intensity Urban Activity Center (Proposed)
The High Intensity Urban Activity Center (AC) FLUM category is intended to provide community wide or regional commercial activities located in proximity to multi-family housing and office employment centers. It is intended to provide large scale commercial activities to serve retail needs of large portions of the population, promote efficiency of the transportation system by consolidating trips, and discourage unabated sprawl of commercial activities. Planned, integrated development is required to promote synergy between the different allowable land uses. An integrated pedestrian mobility system designed to provide safe and accessible foot and bike travel between the land uses shall be stressed in granting development approvals. Access and egress to Activity Centers as well as internal vehicle travel shall be planned in a comprehensive manner in order to facilitate traffic movement. Residential development shall be permitted up to 45 dwelling units per acre.

Consistency with Comprehensive Plan
The proposed amendment as modified is consistent with the following goals, objectives, and policies of the Tallahassee-Leon County Comprehensive Plan.
The proposed land use amendment is consistent with Policy 2.2.9: [L] which creates the High Intensity Urban Activity land use category. The subject site is vacant and is located in proximity to multi-family housing and office employment centers. Although the subject site is too small to provide large scale commercial activities to serve the retail needs of large portions of the population, the use of the site under AC would promote the efficiency of the transportation system by consolidating trips and discouraging unabated sprawl of commercial activities.

- Consistent with Policy 2.2.9: [L], the subject site is accessible via an integrated pedestrian mobility system designed to provide safe and accessible foot and bike travel between the land uses. Access to the site is provided by its location at the intersection of Maclay Commerce Drive and Financial Plaza, which is accessible via Maclay Boulevard and Village Square Boulevard. There are sidewalks along these streets, as well as bike lanes on Maclay Commerce Drive and Financial Plaza.

- Policy 2.2.16: [L] creates the Government Operational (GO) land use category. The GO category specifically allows facilities that provide for the operation of and provision of services on property owned or operated by government. The subject site is privately owned but also has a City of Tallahassee-owned utility easement covering the entirety of the subject site to accommodate electric utility facilities (i.e., aerial powerlines). With the exception of two temporary structures, the subject site is otherwise vacant. Although the subject site is consistent with GO based on its present use by the City’s Electric and Gas department, this land use designation severely constrains the subject site which has no other development constraints except the transmission lines themselves.

Zoning

The subject site is currently zoned Planned Unit Development – 15 (PUD-15). It was rezoned from R-1 to PUD-15 in 1984. Consistent with the proposed FLUM amendment, a concurrent rezoning is being processed to change the zoning of the subject site to High Intensity Urban Activity Center (AC). The intent of this district is similar to that in Policy 2.2.9: [L] which creates the High Intensity Urban Activity land use category. Allowable uses include the following:

- Minor Commercial
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Highway Commercial
- Minor Office
- Major Office
- Office Park
- Medium Density Residential
- High Density Residential
- Passive Recreation
- Active Recreation
- Community Services
- Light Infrastructure
- Post Secondary
- Light Industrial--Minor

The complete zoning regulations (Sec. 10-165: Planned Unit Development and Sec. 10-167: High Intensity Urban Activity Center District) are included as Attachment #2. The following maps illustrate the current and proposed zoning for the subject site.
Current Zoning

<table>
<thead>
<tr>
<th>Current District</th>
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</thead>
<tbody>
<tr>
<td>PUD - 15</td>
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</tbody>
</table>

Proposed Zoning

<table>
<thead>
<tr>
<th>Proposed District</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Intensity Urban Activity Center</td>
</tr>
</tbody>
</table>
**Existing Land Uses**

The existing use of the subject site is vacant. There are no permanent structures on the site except the previously described electric transmission lines. There is currently two temporary structures on the site.

The subject site is generally in the middle of a large area that is primarily a mix of office and retail uses. Although there are parking lots to the west, north, and east of the site, these serve several large office buildings to the west and north of the site, as well as a bank located east of the site.

A fueling station with a convenience store is located south of the site. A restaurant is also located to the southwest of the site.

A City of Tallahassee stormwater facility is located further west of the site, which is indicated on the following map as open space. There are several low-density residential areas further west of the subject site.

**Existing Land Use Map**
Infrastructure Analysis

Water/Sewer

City water, sewer, and other services are available to the subject site.

Schools

This school capacity analysis has been conducted because the requested Activity Center zoning allows residential development. However, the applicant has stated that no residential uses are intended for the subject site, and any residential development would be constrained by the presence of the aerial electric transmission lines and the related electric facilities easement.

The Subject site is zoned for Gilchrist Elementary School, Raa Middle School, and Leon High School. All attendance zones in which the property is located have capacity for this project. Currently, Gilchrist Elementary has an existing capacity of 286 students with a post-development capacity of 284. Raa Middle School has an existing capacity of 543 with a post-development capacity of 542. Leon High School has an existing capacity of 235 with a post-development capacity of 234.

Roadway Network

The subject site fronts Financial Plaza, a local road, on the west boundary of the site. There is a small portion of the site that fronts Maclay Commerce Drive, which is a minor collector.

Site Impact Analysis

<table>
<thead>
<tr>
<th>Acres</th>
<th>Buildout Type</th>
<th>Maximum Buildout Intensity</th>
<th>Maximum Buildout</th>
<th>Trip Generation Rate</th>
<th>% Enter</th>
<th>% Exit</th>
<th>Trips Enter</th>
<th>Trips Exit</th>
<th>Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.39</td>
<td>Government Operational</td>
<td>10 KSF</td>
<td>10 KSF</td>
<td>0.19 trips/KSF</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Activity Center</td>
<td>20 KSF</td>
<td>20 KSF</td>
<td>32.67 trips/KSF</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>653</td>
</tr>
</tbody>
</table>

The table above depicts preliminary calculations based on the estimated maximum development allowed under the requested future land use category and associated rezoning. Trip generation rates and entering/exitting trip percentages for Government Operational and Activity Center buildouts are based on General Heavy Industrial (120) and Fast-Food Restaurant with Drive Thru (934), respectively, as determined by the Institute of Transportation Engineers’ Trip Generation Manual, 10th Edition. Final transportation concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

Based on maximum development allowed under the requested land use category, this amendment could result in up to 653 new trips. Note that the total trips noted in this analysis are substantially higher than will be allowed due to requirements such as environmental mitigation, site layout considerations, and other restrictions. The actual traffic impacts and concurrency will be calculated at the time of site plan. Transportation concurrency will be determined and paid at time of site plan.
Pedestrian and Bicycle Network

There are sidewalks along Maclay Commerce Drive and Financial Plaza, as well as bike lanes on Maclay Commerce Drive and Financial Plaza.

Transit Network

StarMetro has two routes that provide access to the subject site. These routes include the Killearn Route and the Red Hills Route. The nearest bus stop is at the intersection of Thomasville Road and Maclay Commerce Drive.

Environmental Analysis

Natural features data maintained by TLCLUS indicate no significant or otherwise protected environmental features on or near the subject site.

There are no known public environmental easements on the subject site. However, there is a private, perpetual drainage easement “over, across and under” the subject site that was granted to Money Back, Inc. from Thomasville Properties, Inc. and Ralco, Inc. The easement allowed stormwater runoff to flow onto and across the subject site from property owned by the Grantor. This easement was granted on September 29, 1986. There are no known stormwater facilities on the subject site.

F. PUBLIC OUTREACH AND NOTIFICATION

An initial mailing was sent to 62 property owners within 1,000 feet of the subject site.

<table>
<thead>
<tr>
<th>Public Outreach</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>√ Mail Notification of Proposed Changes</td>
<td>November 19, 2021</td>
<td>Notices Mailed to Property Owners within 1000 feet</td>
</tr>
<tr>
<td>√ Notice of Proposed Land Use Change and Rezoning</td>
<td>December 18, 2021</td>
<td>Two signs providing details of proposed land use and zoning changes posted on subject site</td>
</tr>
<tr>
<td>√ Public Open House</td>
<td>December 15, 2021</td>
<td>5:30 PM, Renaissance Center 2nd Floor 435 North Macomb St.</td>
</tr>
<tr>
<td>√ Staff Reports Available Online</td>
<td>January 21, 2022</td>
<td>Email Subscription Notice sent to all users of service</td>
</tr>
</tbody>
</table>

Public Open House — A Public Open House was held on December 15, 2021 to provide an overview of the applications received and the amendments and their concurrent rezonings being requested. The Open House was held at the Renaissance Center, 435 N. Macomb St. There were eight people in attendance. There were no comments regarding this amendment.
G. STAFF REPORT UPDATE

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

<table>
<thead>
<tr>
<th>Cycle 2022 Meetings</th>
<th>Dates</th>
<th>Time and Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>√ Public Open House 2022 Cycle Amendments</td>
<td>December 15, 2021</td>
<td>5:30 PM, Renaissance Center 2nd Floor, 435 North Macomb St.</td>
</tr>
<tr>
<td>√ Local Planning Agency Workshop</td>
<td>January 4, 2022</td>
<td>6:00 PM, Renaissance Center 2nd Floor, 435 North Macomb St.</td>
</tr>
<tr>
<td>Local Planning Agency Public Hearing</td>
<td></td>
<td>6:00 PM, Renaissance Center 2nd Floor, 435 North Macomb St.</td>
</tr>
<tr>
<td>Joint City-County Commission Workshop</td>
<td></td>
<td>1:30 PM, County Commission Chambers, 5th Floor Leon County Courthouse</td>
</tr>
<tr>
<td>Joint City-County Transmittal Public Hearing</td>
<td></td>
<td>6:00 PM, County Commission Chambers, 5th Floor Leon County Courthouse</td>
</tr>
<tr>
<td>Joint City-County Adoption Public Hearing</td>
<td></td>
<td>6:00 PM, County Commission Chambers, 5th Floor Leon County Courthouse</td>
</tr>
</tbody>
</table>

H. ATTACHMENTS

Attachment #1: Comprehensive Plan Policies for Government Operational (Policy 2.2.16: [L]) and High Intensity Activity Center (Policy 2.2.9: [L])

Attachment #2: Zoning Regulations (Sec. 10-165: Planned Unit Development and Sec. 10-167: High Intensity Urban Activity Center District)