

Leadership Group Meeting
March 29, 2012

Members in Attendance

Paolo Mastroserio, Chairman
Bob Dumond
Barbara Fitos
Summer Gill
Ira Holmes
Jerome Johnson
Ruth Reed
Clark Yandle

Staff in Attendance

Pete Lee
Mike Daniels
Lisa Walsh
Peggy Cash

Other Interested Persons

Curry Curry
Steve Gray

Mr. Daniels reported that the Future Land-Use (FLU), Transportation, and Parks and Recreation Elements went to the Planning & Zoning Commission (P&Z) meeting for a recommendation. Mr. Curry and Mr. Gray brought up a number of issues concerning the Future Land Use and Transportation Elements. P&Z tabled its recommendation and will reconsider the elements at its meeting in May.

a. Future Land Use Nomenclature

Mr. Daniels noted the six different FLU districts. The Central Core was previously called High Intensity/Downtown. It includes the Central Business District, North Magnolia, and the hospital area. Referring to a map, Mr. Daniels pointed out that it is the area shown in red. Special/Medium Intensity areas were previously called Medium High Intensity. Each Special District is unique and is a neighborhood with community serving commercial uses (mixed use). Low Intensity areas are along major corridors such as SR200. They are primarily automobile-oriented retail/office uses, but do allow for residential uses. Form requirements are dependent on location. Best Practices Design Guidelines are encouraged. The Neighborhood category includes existing and future residential uses with a limited number of non-residential uses. The Employment Center category allows a mix of uses and is not subject to form based coding; it is designated for employment-based development. The last category is a Corridor Overlay (not actually a land-use category). It is automobile oriented and requires form based design guidelines. The last category is the Public category which includes parks, etc.

Mr. Daniels explained that at the P&Z meeting the Low Intensity category was discussed as being misleading by Mr. Curry. Mr. Curry said that Low Intensity doesn't describe SR200. The verbiage should describe the area. Mr. Daniels explained that naming it as such was partly based on the level of traffic and in terms of the amount of mixed uses. Mr. Yandle said before names are changed, it should be described as to why and how the nomenclatures were developed. Mr. Yandle suggested that possibly the area around I-75 might be described as High-Intensity. Low Intensity describes the section of SR200 where the dealerships are. Mr. Daniels suggested that there can be revisions to make descriptions more broad.

Ms. Reed said when she thinks of Low-Intensity and looks at the FLU map, she thinks that that the City is trying to move forward from the past to the future. She said that with Low Intensity, there is room to expand in the future. She read the description for Low Intensity from the Element. She said she didn't like it when High Intensity was changed to Core. She asked why it needs to be changed. She noted that the height of 1 to 3 stories may need to be revised. Mr. Daniels said the language should be softened. The height is included to provide an idea as to what it will look like. Mr. Holmes asked if the concern is that the word "low" describes something different than what exists. Mr. Johnson said it may not be what it is now, but the plan is for the future. Mr. Holmes said he isn't opposed to changing it, but if it is consistent, people will become used to the terminology. Mr. Mastroserio confirmed that Low Intensity is partially defined as being farther from the road, which is how much of SR200 is developed. Ms. Fitos suggested that maybe the issue isn't about changing the name "Low Intensity" and suggested changing the Central Core back to High Intensity/Central Core. Instead of describing it specifically as "1 to 3 stories" revise it to "are typically multi-story and must comply with floor area ratios."

Mr. Daniels said that another issue discussed at the P&Z meeting concerns uses allowed in the Neighborhood category. It was decided to expand neighborhoods over time to include non-residential uses, but only on a limited basis. Non-residential uses would be allowed on corner lots and not along the entire street.

b. Non-Residential uses within the Neighborhood FLU

Mr. Gray said in his dealings with land use, relying on the market to determine the development pattern may not be totally correct. He said that the language "within one-half mile from each other" is not clear. Mr. Lee said the intent was for non-residential uses to be located on higher order streets. He said it could be more clearly stated. Mr. Gray noted that Marion County has Urban Neighborhood Districts that allow a certain percentage of an area to be non-residential and it hasn't worked. He suggested that the language allow control within the land use development regulations. He commented that a half mile is a little too long. Mr. Daniels said the element shows the intent, but the zoning regulations will regulate uses. It was discussed removing the terminology of "one-half" mile. Mr. Lee confirmed that the distance reference would be removed. Mr. Mastroserio asked how it would work if he wanted to develop a commercial use in the middle of the street, would he have legal recourse if staff tells him he can't have the use. Mr. Gray cautioned that if someone owns a property in the middle of a block that is currently moving toward commercial development, that property owner is going to be opposed. Mr. Lee said staff is very cognizant of property rights and does not want to litigate Bert Harris cases. Mr.

Gray suggested that with turning movements on the street as they are, it may be better to have commercial development in the middle of a block. Mr. Lee said this is an issue that will need to be looked at when specific lots are developed. Mr. Daniels said staff will look at refining some of the language as discussed and the Leadership Group will be able to review the revised language before the May P&Z meeting

c. Water and Sewer Extension Requirements

Mr. Daniels showed Policy 12.2. Mr. Gray had referred to a statutory requirement that says that the property owner can notify the City that it wants water and sewer for the development and if the city doesn't provide water and sewer within a certain time the property owner can go to the Commission and request another provider. Mr. Gray said this can be handled very easily and needs to be covered.

Mr. Gray suggested revisiting Policy 12.3.1. The City may not want to include language that it won't extend into properties that are not an urban land use. Under the current city code it won't apply.

Mr. Daniels referred to Policy 12.2. and said it is 5 years. Mr. Gray said it is one year. Mr. Mastroserio said the developer doesn't have to wait a year, it just needs to provide notification. The County could say it is going to provide service within a year.

Mr. Lee noted that the Policy is as it was in the last element. The language wasn't updated. Mr. Daniels said changes can be made. Mr. Lanny said the first sentence is not consistent with the rest of the policy. He suggested adding "except as set forth." Mr. Mastroserio confirmed that this will be reviewed by the city's legal counsel. Mr. Daniels noted that a lot of the language came from the previous element.

d. Mobility Fees

Mr. Daniels said the mobility fees were discussed at length at the P&Z meeting. He reviewed what the mobility fee would be for. The difference between an impact fee and mobility fee is that the impact fee is based on impact. The County currently has an impact fee. The mobility fee is more flexible and can be used for other improvements not associated to vehicular traffic. In some areas, such as the downtown, the fee might be lower. They do not want a situation where an impact fee is paid to the county and the mobility fee is paid to the City. The City would like to replace the impact fee with a mobility fee. Staff would like to work toward having a larger regional plan. If an agreement can't be reached with the County, the City would want to be able to assess a mobility fee. Mr. Gray said duplicate fees cannot be assessed. Mr. Lee said the fee would go toward operational costs. Mr. Lee said that it should possibly be included that this would be pursued with the Transportation Planning Organization. He said staff is aware that there cannot be a duplicate fee. Mr. Curry said the City shouldn't have a policy based on an agreement that has not taken place with the County. He sees the fee as an additional fee for someone to pay to develop in the City. Mr. Curry suggested changing "backlogs" to "deficiencies" as described in State Statute. Discussion continued concerning how mobility fees would be used. Mr. Gray pointed out that the City is not an impact fee collection district like

some other cities are. Mr. Daniels said the mobility fee is meant as a replacement for the impact fee. He suggested that the County may want to look at areas where it is willing to assess a mobility fee instead of an impact fee. Mr. Daniels said it was not the City's intent to state that if an agreement isn't reached by December 2013 that the city will assess the mobility fee in addition to the impact fee.

Mr. Gray noted, as he did at the P&Z meeting, that some of the issues addressed in the elements are date certain and some are not. There is a rule of interpretation that if some have dates and some don't, there is a reason why dates were included or not. He has had people litigate when a municipality has not had something completed even though it wasn't date certain. Mr. Daniels said that initially dates weren't included and then dates were added for certain issues. He said staff can go through the elements and make sure that when dates are used there is a reason.

Mr. Gray expressed a concern with how this unfolding. It is unusual to plan to adopt a future land use map and not the entire package. In Policy 11 there is some transitional language. Beyond the conceptual plan, there needs to be a transitional ordinance. Mr. Daniels said that when the land use is adopted a resolution is going to be included with a matrix. Mr. Curry suggested that a definition be included for the Building Design Based Code repeatedly referred to. Mr. Lee said there are some general graphics. Mr. Daniels said it won't be that difficult to develop design criteria for Low Intensity areas.

Mr. Curry referred to Policy 9.2 in the Future Land Use Element concerning large surface parking lots. The sketch on page 9 is the exact opposite. Mr. Lee said 9.2 encourages and is best practices. He said it needs to be clarified; it can easily be misconstrued. Mr. Gray said there is a huge push from national developers that want parking in front of the stores. Mr. Curry said that if buildings are built up to the street, it needs to be certain that the road is never widened because it will be cost prohibitive. It was suggested that Objective 9 be removed, as in each land use category it is discussed where the buildings should be located. Mr. Gray said there needs to be enough flexibility in case a project comes through that the City would really want, but is in conflict with the Comprehensive Plan.

Mr. Daniels reviewed the next steps in the Comprehensive Plan process.