

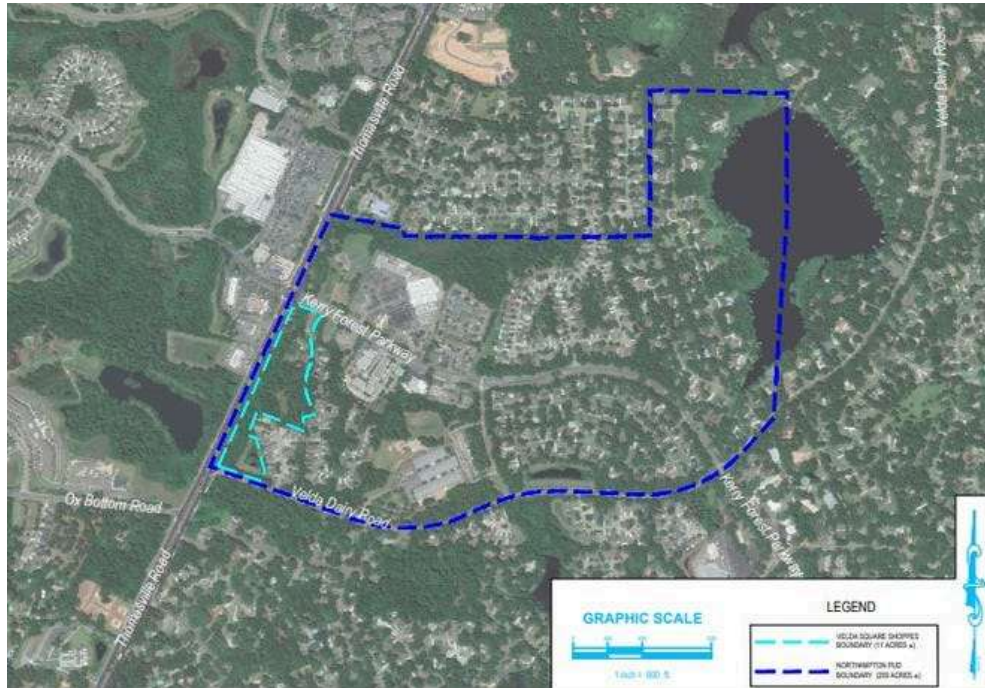
Tallahassee city commissioners narrowly OK Northampton PUD amendment



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LOCAL



In a split vote, Tallahassee city commissioners sided with a staff recommendation to approve a controversial rezoning to commercial use for a stretch of land on Thomasville Road already lined with residential neighborhoods.

City Commissioner Dianne Williams-Cox made a motion to support the staff recommendation, saying the amendment wasn't out of step with the Comprehensive Plan, the area's blueprint for growth. It passed along familiar factional lines with Mayor John Dailey, Williams-Cox and Commissioner Curtis Richardson supporting it; Commissioners Jeremy Matlow and Jack Porter voted no.

The amendment shifts land use from residential to commercial zoning for four parcels totaling about 8 acres on Thomasville Road near Kerry Forest Parkway within the 260-acre Northampton Planned Unit Development (PUD).

Roughly two dozen residents filled commission chambers at Wednesday's sole public hearing, which lasted two hours. Critics cited potential negative neighborhood impacts and reducing greenspace; supporters said the amendment makes room for Faith Lutheran Church to expand and aligns with the Comprehensive Plan.

The amendment is backed by two applicants: the church, which owns 4.3 acres, and the remaining acres under the ownership of Velda Dairy DEM Waterway, LLC, where Behzad "Steve" Ghazvini is listed as the corporate officer.

Speakers were deeply divided on this proposed amendment that's drawn more than 1,300 signatures opposing it, which were published on Change.org.

Some said the church had a right to make the most use of its property and explained current limitations with some of its land. Others, representing neighborhood associations and residents, stressed how business against their backyard borders would diminish quality of life, in part by creating more traffic.



"It seems to us that the full rezoning of all four parcels doesn't seem necessary if the church is planning on staying on that front parcel. Why are they asking to be rezoned?" asked Lee Schneider, vice president of the St. John's Homeowners Association. "Doesn't really make much sense to us."

Yet speakers like Tom Cantor, a member of Faith Lutheran, said the amendment will "allow the church to develop the property more effectively."

"Unused space is currently undevelopable," he said. "It will enable future construction of a sanctuary building on the north end of the property at the corner of Thomasville Road and Kerry Forest Parkway, increase visibility and obviously increase the opportunity for ministry to the community."

Others also said the zoning change may allow the church to create a source of revenue from potential businesses that could be brought to the property.

Use of 'Canopy Protection Area' adds additional layer of controversy

One of the biggest sticking points came down to vacant greenspace that's been called a "Canopy Protection Area" in the original PUD dating back to 1987.

The confusion, for some, was that Thomasville Road was never classified as a canopy road in the official Land Use Code, even when it was a two-lane road. Staff said the "canopy" reference was self-given by the residents.

Artie White, director of Planning, Land Management, and Community Enhancement (PLACE), offered examples like Centerville and Miccosukee roads and said "Thomasville Road is not one of those and never has been."



He added: "The existing PUD self-titled their buffer between the development and Thomasville Road as a Canopy Protection Zone. That is not the same as the canopy road overlay that would go along with the designated canopy road."

Erin Tilton, an attorney for the Stearns Weaver law firm that represents Ghazvini, said that characterization was misleading.

"In October, our team became aware of some statements being made publicly about the potential that this PUD amendment was designed to approve commercial development in a conservation area. And that sounds really bad, right?" Tilton said. "It gets people's attention."

The problem, she said, was that there were no conservation easements on the property, despite what was being described in the online petition and to the general public.

Speakers like Jean Itzin, president of the St. Ives Neighborhood Association, acknowledged Thomasville Road wasn't a canopy road but called out what she perceived to be several inconsistencies.

"But at the time the PUD was approved in 1987, they knew Thomasville Road was going to be widened," she said. "The Canopy Protection Area was to preserve the trees in the 100-foot buffer. Every request to amend the PUD since 1987 has been documented, respected and maintained."

That said, Itzin also referred to a Florida Department of Transportation analysis. She said the report determined that after Thomasville Road is widened to six lanes, the Canopy Protection Area would continue to protect the buffer.

"They knew that the six-lane highway wasn't a canopy road," Itzen said. "The Canopy Protection Area was to preserve the trees in the 100-foot buffer."

Commissioners weigh in, ultimately approving the amendment

Dailey wanted to address the more controversial sticking points for residents early on, before the parade of speakers approached.

White said the crux of the PUD change would create the "Velda Square Shops District." He said both the Planning Commission and Development Review Committee voted in favor of the PUD amendment and didn't cite any reason not to support it.

In addition, Dailey confirmed with staff there were no legal protections for self-titled canopy protection areas, such as the one described in the Northampton PUD.

And Williams-Cox said, "The Comp Plan was created more than 30 years ago. We're living by it. It can be amended and updated. The Comp Plan is the guiding document as it sits right now. This is consistent with the Comp Plan."

The mayor said the PUD amendment allows for "appropriate development" along this stretch of Thomasville Road and acknowledged that would be "hard for the neighborhoods to hear."

"But this is a major commercial corridor," Dailey said. "With the realignment of Ox Bottom traffic improvements that are going to come into play as well, this is the type of development I truly believe that we need."

Matlow peppered Smith with questions and pointed to what he called several inconsistencies with the Comp Plan and language in the PUD.

"What's before us today in the PUD on the uses that will be added for the shops ... I saw uses like restaurants with drive through facilities," Matlow said. "That, to me, seems to be inconsistent with a village atmosphere that seems to be quite the opposite. It seems more related to sprawl and not really best serving neighborhoods."

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