

SPECIAL MASTER IN AND FOR LEON COUNTY, FLORIDA

Moore Pond Homeowners Association, Inc., and
Ox Bottom Manor Community Association, Inc.,

Petitioners,

v.

Case # _____

Brookside Village
Residential Subdivision
LSP150035

Leon County, Florida and Golden Oak Land
Group, LLC

Respondents,

**APPEAL AND PETITION FOR QUASI-JUDICIAL HEARING BEFORE A SPECIAL
MASTER CHALLENGING THE WRITTEN PRELIMINARY DECISION OF THE DRC
APPROVING BROOKSIDE VILLAGE RESIDENTIAL SUBDIVISION – ID #LSP150035**

Come now, Petitioners, Moore Pond Homeowners Association, Inc., and Ox Bottom Manor Community Association, Inc., through their undersigned counsel, and pursuant to Section 10-7.404.(i) of the Code of Laws of Leon County, Florida, and together file this appeal and petition for a quasi-judicial hearing before a Special Master pursuant to Section 10-7.414. of the Code of Laws of Leon County, Florida, seeking a recommended order by a Special Master denying the Brookside Village Residential Subdivision #LSP150035 (herein “Brookside Village Residential Development”) which was submitted for governmental approval by Golden Oak Land Group, LLC (herein “Applicant”) and subsequently approved by Leon County through its Development Review Committee (herein “DRC”) by preliminary written approval dated August 18, 2017.

BASIS FOR INVOKING JURISDICTION OF THE SPECIAL MASTER

Pursuant to Section 10-7.404 and 10-7.414 of the Code of Laws of Leon County, Florida, the Special Master has jurisdiction to: 1) hear an appeal to the DRC’s written preliminary approval of Applicant’s Brookside Village Application; and 2) issue a recommended order on the Brookside Village Application to the Leon County Board of County Commissioners.

STANDING AND COMPLIANCE WITH CONDITIONS PRECEDENT

Petitioners are “homeowners’ associations” pursuant to Section 720.301(9), Florida Statutes. Moore Pond Homeowners Association, Inc. (herein “MPHOA”), is the corporate entity responsible for the operation, administration and governance of Moore Pond, a large lot residential subdivision immediately abutting the proposed Brookside Village Residential Development. Ox Bottom Manor Community Association, Inc. (herein “OBMCA”), is the corporate entity responsible for the operation, administration and governance of the multiple phases Ox Bottom Manor, a moderately sized lot residential subdivision immediately abutting the proposed Brookside Village Residential Development.

Section 720.303(1), Florida Statutes, provides that Florida homeowners’ associations, such as the Petitioners, may institute, maintain, settle, or appeal actions or hearings in their name on behalf of all members concerning matters of common interest to its members.

The Petitioners and their members are aggrieved and adversely affected persons that will suffer adverse effects to interests protected or furthered by the local government Comprehensive Plan and the implementing land development regulations found in the Code of Laws of Leon County, Florida. The adverse effects to be suffered are a matter of common interest to the Petitioners and their members that exceed in degree the general interest in community good shared by all persons due in part because Petitioners and a number of their members directly abut the proposed Brookside Village Residential Development. Due to the close proximity to the proposed Brookside Village Residential Development, the Petitioners and their members will be directly impacted by the negative effects of Brookside Village Residential Development. Specifically, the “walled effect” of the clustered units in the proposed Brookside Village Residential Development, its substantially smaller building and lot sizes, and considerably higher density, as well as the

substantial difference in lot coverage, bulk, configuration, orientation, scale, height, mass, setbacks, noise and internal traffic circulation will result in a use that is wholly incompatible with the existing Moore Pond and Ox Bottom Manor residential communities. This incompatibility will result in a decreased quality of life and a reduction in property values in these existing neighborhoods.

All conditions precedent to this action have been met as the Petitioners each: 1) submitted written comments to the Department of Development Support and Environmental Management prior to adjournment of the DRC meeting held to consider the proposed Brookside Village Residential Development; 2) timely filed a notice of intent to appeal the DRC's preliminary written approval dated August 18, 2017; and 3) timely filed this petition.

STANDARD OF REVIEW

Pursuant to Section 10-7.414. of the Code of Laws of Leon County, Florida, the Special Master's standard of review in determining whether a proposed DRC order is consistent with the Leon County Comprehensive Plan shall be strict scrutiny in accordance with Florida law. Pursuant to Section 10-7.414. of the Code of Laws of Leon County, Florida, the Special Master's standard of review in determining whether the development is consistent with applicable land development regulations shall be in accordance with Florida law.

STATEMENT OF THE FACTS

The Moore Pond residential development, which consists of approximately 58 individual lots with an average lot size of 3.09 acres, directly abuts the proposed Brookside Village Residential Development to the north and northeast. The Ox Bottom Manor residential development, which consists of approximately 600 individual lots with an average lot size of .67 acres, directly abuts the proposed Brookside Village Residential Development to the north and

northwest. Moore Pond and Ox Bottom Manor have a future land use designation of Residential Preservation and are zoned Residential Preservation.

The proposed Brookside Village Residential Development is a 35.17+/- acre site located along the north side of Ox Bottom Road between Ox Bottom Manor Drive and Heartland Drive in unincorporated Leon County, Florida. The project site has a future land use designation of Residential Preservation and is zoned Residential Preservation.

The proposed Brookside Village Residential Development will consist of 61 single-family detached dwelling units with a gross density of 1.73 du/acre. However, the site plan proposes to construct the residential lots clustered on only 16.63 acres of the 35.17+/- acre site, which equates to a density of 3.67 dwelling units/acre and which provides for a “walled effect” of tightly packed residential dwelling units, both internally and ringing the developed area. These tightly packed residential dwelling units will sit on lots as small as .14 acres. The average lot size in the proposed Brookside Village Residential Development is just .26 acres.

Exhibit “A” hereto, shows seven (7) Ox Bottom Manor Lots (solid orange lined area) situated on a total of 4.9 acres which is equal to **only 1.43 dwelling units per acre**. Abutting those lots are eleven (11) Brookside Village Residential Development lots (dashed red line area) crammed onto just 2.28 acres, which equals **4.82 dwelling units per acre**. The proposed density of these Brookside Village Lots is **3.3 times higher** than the Ox Bottom Manor lots which they abut.

Exhibit “A” hereto, shows three (3) Moore Pond lots (dashed yellow lined area) situated on a total of 9.95 acres which is equal to **only .3 dwelling units per acre**. Abutting those lots are twelve (12) Brookside Village Residential Development lots (solid dashed red line area) crammed

onto just 2.87 acres, which equals 4.18 dwelling units per acre. The proposed density of these Brookside Village Lots is 14 times higher than the Moore Pond lots which they abut.

Applicant submitted the Brookside Village Application for DRC approval pursuant Section 10-7.404 of the Code of Laws of Leon County, Florida. A meeting of the DRC was held and the DRC issued a preliminary written approval of the Brookside Village Residential Development dated August 18, 2017. Petitioners each filed a notice of intent to appeal on September 1, 2017, which are attached hereto as Exhibits "B" and "C".

ARGUMENT AND RELEVANT COMPREHENSIVE PLAN AND CODE PROVISIONS

A. Comprehensive Plan Compatibility Requirements

Through the stated Goals, Objectives and Policies contained the Tallahassee-Leon County 2030 Comprehensive Plan (herein "Comprehensive Plan"), Leon County provides for the protection of neighborhoods and requires compatibility between developments, as well as, protecting the integrity and character of adjacent neighborhoods.

While Leon County acknowledges that growth is inevitable, it states as a clear vision and sets as a primary goal the preservation and protection of residential neighborhoods, including by requiring objectionable impacts to be internally located and by not allowing exclusive reliance on landscape and setback buffering as a means to reduce perimeter oriented impacts such as on the proposed Brookside Village Residential Development. Buffering and setbacks alone do not sufficiently eliminate the negative impacts and incompatibility created by the "walled effect" of the tightly packed residential dwelling units, both internally and ringing the developed area and abutting Moore Pond and Ox Bottom Manor.

The County's intent is evident in the introductory Vision Statement and Implementation passage, Goal 1, Policy 1.4.12 and Objective 2.1 of the Comprehensive Plan, as follows:

Vision Statement and Implementation

...

The purpose of the comprehensive plan is to preserve, protect and enhance the quality of life for all citizens . . . The residential environment is also one of many criteria which form the community's perceived quality of life and must be protected.

...

Goal 1:

The Comprehensive Plan shall protect and enhance the quality of life in this community by providing economically sound educational, employment, cultural, recreational, commercial, industrial and professional opportunities to its citizens while channeling inevitable growth into locations and activities that protect the natural and aesthetic environments and residential neighborhoods.

...

Policy 1.4.12:

a. The intent of Site Plan and PUD planning and design requirements shall be to encourage and require the development of urban living and work spaces that minimize impacts to the natural environment. Environmental impacts shall be minimized through the development and redevelopment of compact and efficient urban land use patterns that closely integrate living and work spaces while maintaining compatibility through specified performance design criteria. Neighborhood and inter-site compatibility shall be implemented through site planning and design criteria that require objectionable impacts of particular land use activities to be internally located within site or building designs, rather than relying exclusively on standard landscape and setback buffering methods to reduce perimeter oriented objectionable impacts.

...

RESIDENTIAL LAND USE

Objective 2.1:

Enhance the livability of existing neighborhoods and in new neighborhoods provide for future mixed residential areas which will accommodate growth and provide a wide choice of housing types, densities and prices as well as commercial opportunities based on performance criteria. In furtherance of this, maintain a system of land development regulations and ordinances which will facilitate the implementation of the policies adopted in relation to residential land use. These shall include, but not be limited to:

- 1) Setback requirements from natural waterbodies and wetlands
- 2) Buffering requirements

- 3) Open space requirements
- 4) Landscape requirements
- 5) Tree protection
- 6) Stormwater management requirements

A stated objective of Leon County is to promote the regulation of development density and intensity. That is accomplished by ensuring that approved developments are compatible with adjacent existing residential land uses. The approval of the Brookside Village Residential Development is inconsistent with this objective because of the “walled effect” created by the tightly packed residential dwellings that are approved to abut Moore Pond and Ox Bottom Manor. This “walled effect” results in an incompatible density and intensity. Again, the proposed density of the Brookside Village Lots noted in Exhibit “A” are **14 times more dense** than the Moore Pond lots they abut and **3.3 times more dense** than the Ox Bottom Manor lots they abut. Specifically, Objective 2.2 of the Comprehensive Plan states as follows:

FUTURE LAND USE MAP CATEGORIES
Objective 2.2:

...

The Tallahassee-Leon County Comprehensive Plan shall promote appropriate location of land uses **and regulation of development density and intensity based upon:** (1) protection of conservation and preservation features; **(2) compatibility with adjacent existing and future residential land uses;** (3) access to transportation facilities in keeping with their intended function; and (4) the availability of infrastructure.

In the Residential Preservation land use area in which Moore Pond, Ox Bottom Manor and the proposed Brookside Village Residential Development are located, it is a stated policy that this area is characterized by existing homogenous residential areas and that a **primary function** of this Residential Preservation land use is **to protect existing stable and viable residential areas.** Specifically, the protections afforded existing stable and viable residential areas such as Moore Pond and Ox Bottom Manor are protections from incompatible land use intensities and density

intrusions. The DRC failed to provide these protections when it approved the proposed Brookside Village Residential Development as proposed. It did so by failing to adequately consider all required factors for development approval required under the Comprehensive Plan.

Even the Applicant's own planning expert recognizes this failure and the incompatibility that the Brookside Village Residential development creates with abutting neighborhoods. On page 9 of Wendy Grey's report prepared for the Applicant and considered by the DRC, Ms. Grey states:

[b]ased on this analysis, there is a potential issue of compatibility relating to the visual impact of the smaller lot sizes and subsequently higher building mass in Brookside Village where it adjoins Moore Pond and Ox Bottom Manor.

This conclusion is consistent with the Comprehensive Plan which requires that a number of factors be considered when determining compatibility. These factors include, but are not limited to: intensity, density, and scale of surrounding development within residential preservation areas, intensity, density, scale, building size, mass, bulk, height, orientation, lot coverage and lot size/configuration. County staff is required to consider compatibility as required by the Comprehensive Plan and the land development regulations. It should be noted staff did not conduct an independent compatibility analysis, but simply relied upon the analysis provided by Applicant's planner. The Applicant prepared an analysis clearly focused on providing the Applicant maximum profit and not on ensuring that compatibility was considered a primary focus of the development review. It should be further noted that the staff memorandum from Susan Poplin to the DRC dated August 4, 2017, indicated that she did not believe that the compatibility criteria stated in the Comprehensive Plan were relevant to the Brookside Village Residential Development review. Such a position is contrary to the express provisions of the Comprehensive Plan. Specifically, Policy 2.2.3 of the Comprehensive Plan provides as follows:

Policy 2.2.3:

RESIDENTIAL PRESERVATION

Characterized by existing homogeneous residential areas within the community which are predominantly accessible by local streets. **The primary function is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions.** Future development primarily will consist of infill due to the built out nature of the areas. Commercial, including office as well as any industrial land uses, are prohibited. Future arterial and/or expressways should be planned to minimize impacts within this category. Single family, townhouse and cluster housing may be permitted within a range of up to six units per acre. **Consistency with surrounding residential type and density shall be a major determinant in granting development approval.**

...

e) **Land use compatibility with low density residential preservation neighborhoods.**

A number of factors shall be considered when determining a land use compatible with the residential preservation land use category. At a minimum, **the following factors shall be considered to determine whether a proposed development is compatible with existing or proposed low density residential uses and with the intensity, density, and scale of surrounding development within residential preservation areas: proposed use(s); intensity; density; scale; building size, mass, bulk, height and orientation; lot coverage; lot size/ configuration; architecture; screening; buffers, including vegetative buffers; setbacks; signage; lighting; traffic circulation patterns; loading area locations; operating hours; noise; and odor.** These factors shall also be used to determine the size of transitional development areas.

B. Land Development Code Compatibility Requirements

Chapter 10 of the Code of Laws of Leon County, Florida, titled *Land Development Code* (herein "LDC") establishes the basis for the protection of neighborhoods through the development review process and the County's zoning districts. The LDC also implements the Goals, Objectives and Policies of the Comprehensive Plan. Development that fails to comply the LDCs should not be approved.

Section 10-2.301(a) of the LDC, which established the DRC, explicitly requires the DRC to review proposed developments with respect to the design and its consistency with the Comprehensive Plan and all applicable LDC provisions. Section 10-2.301(a) of the LDC states as follows:

There is hereby established a development review committee (DRC) whose primary purpose is to provide professional, informed review of proposed development with respect to design, adequacy of public facilities, services and utilities and consistency with the Comprehensive Plan, this chapter, and other applicable land development regulations.

Section 10-6.617. of the LDC, which is the residential preservation section, explicitly states that the purpose and intent of the residential preservation area is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. This is accomplished by making “compatibility” of a proposed development with surrounding resident types and densities a **major factor** in determining whether a development approval will be authorized **and** in determining permissible density. Although in Ms. Grey's report, she indicates that the Brookside Village densities and lot sizes are within the range of the surrounding neighborhoods; these ranges are so large, that you cannot reasonably conclude there is consistency or compatibility. Specifically, Section 10-6.617. of the LDC provides as follows:

Purpose and intent. The residential preservation district is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office, and industrial activities are prohibited. Certain nonresidential activities may be permitted, such as home occupations consistent with the applicable provisions of section 10-6.803; community services and facilities/institutional uses consistent with the applicable provisions of section 10-6.806; and churches, religious organizations, and houses of worship. Single-family, duplex residences, manufactured homes, and cluster housing may be permitted within a range of zero to six units per acre. **Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density.**

Based upon admissions by County Staff (Poplin) that compatibility was not believed to be a factor in the Brookside Village Residential Development review and the County Staff's failure to conduct its own compatibility analysis, Petitioners contend that compatibility was not properly considered. If it was considered, Petitioners contend that compatibility was not properly considered by County Staff or by the DRC as a "major factor" as explicitly required by Section 10-6.617. of the LDC and Policy 2.2.3 of the Comprehensive Plan. In either event, the DRC should have denied the Application.

Section 10-2.301(a)(5)b. of the LDC, further dictates that the "allowable development type" on parcels in the residential preservation areas shall be consistent with the type of residential patterns of adjacent developments, which would include both Moore Pond and Ox Bottom Manor. Section 10-2.301(a)(5)b. of the LDC, provides as follows:

(5) Allowable development type shall be construed to mean the following:

b. Parcels proposed for residential use which are located inside the urban service area and not in a recorded or unrecorded subdivision shall develop consistent with the type of residential development pattern located adjacent to the vacant parcel.

There is absolutely no consistency or compatibility between the proposed Brookside Village Residential Development and the abutting Moore Pond and Ox Bottom Manor developments. Not only are the densities drastically different as previously discussed, the entire design concept of the proposed Brookside Village Residential Development is inconsistent with Moore Pond and Ox Bottom Manor. Inconsistencies include, but are not limited to drastic differences in intensity, scale, building size, mass, bulk, height, orientation, lot coverage and lot size/ configuration. The only consistent factor among these developments is that they are all located in Leon County, Florida.

Section 10-7.505. of the LDC, which is the code provision that provides for the general principles of design relating to impacts on nearby property owners requires that:

Each development **shall** be designed to:

- (1) **Be as compatible as practical** with nearby development and characteristics of the land.

The Applicant's proposed design for the Brookside Village Residential Development is **not** as compatible as practical. The design was created to provide for maximum profit by jamming a large number of ultra small lots onto a relatively small developable area. A more practical design would have been to reduce the number of lots in the development and to increase lot size. Larger lots would lessen or eliminate the drastic differences in density discussed above, as well as the incompatibilities created by the drastic differences in intensity, scale, building size, mass, bulk, height, orientation, lot coverage and lot size/ configuration. The DRC failed to require Applicant to provide a plan that was as compatible as practicable. Accordingly, the DRC approval violated Section 10-7.505. of the LDC.

Numerous LDC provisions require development within the County to be consistent with the Comprehensive Plan and specifically prohibit development that is inconsistent with the Comprehensive Plan. Section 10-6.104(a) of the LDC providing for the County's policy of development of land within the County states:

It is the policy of the county to permit development of land that is consistent with and in conformance with the goals, objectives, and policies established in the Comprehensive Plan through the use of this article.

Section 10-7.103(c) of the LDC explicitly prohibits the development of land that is inconsistent with the Comprehensive Plan. Specifically, it states:

The statutory provisions and the Comprehensive Plan require that land development regulations be adopted to implement the Comprehensive Plan and that **no development of land shall take place which is inconsistent with the Comprehensive Plan.**

Section 10-7.104 of the LDC states the purposes of the "Subdivision and Site Development Plan Regulations for Leon County, Florida. The relevant provisions thereof are as follows:

The purposes of this article are to:

(5) **Ensure consistency with the Comprehensive Plan.**

(9) **Protect and conserve the value of land, buildings, and improvements throughout the county.**

Section 10-7.108(a) and (g) of the LDC requires that all proposed subdivisions be designed to be consistent with the adopted Comprehensive Plan and that a parcel shall not be approved for development unless consistent with the Comprehensive Plan. Section 10-7.108(a) and (g) of the LDC states as follows:

(a) **All proposed subdivisions or development shall be designed to be consistent with the adopted Comprehensive Plan,** as amended.

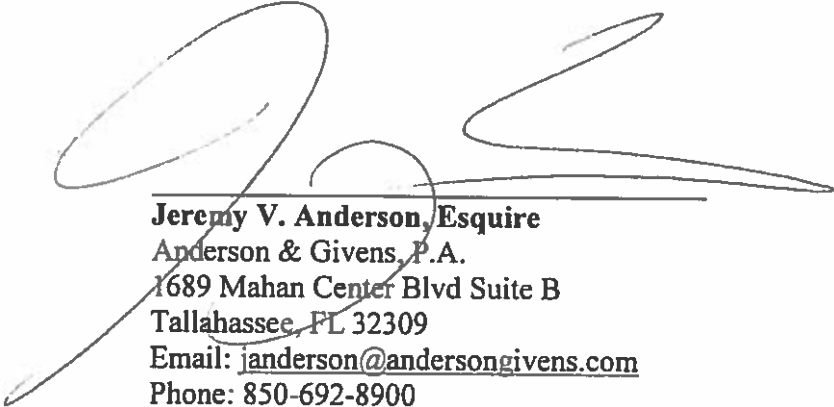
(g) No parcel shall be approved for platting for any purpose unless it is suitable for a use permitted by article VI. **No parcel shall be approved for development unless it is consistent with the local Comprehensive Plan** and contains an adequate development site, both in size for the use intended and in its relationship to abutting land uses.

Based upon these forgoing LDC provisions, the incompatible Brookside Village Development should have been denied on the basis that approval could not be granted by the DRC because it had **no authority** to grant approval to a development that was inconsistent with the requirements of the Comprehensive Plan.

CONCLUSION

Petitioners contend that the DRC's approval of the Brookside Village Application is inconsistent with the stated Goals, Policies and Objectives of the Leon County Comprehensive Plan and is violative of the land development regulations of the Code of Laws of Leon County, Florida, and further, as such, the project is not compatible with the Ox Bottom Manor and Moore Pond neighborhoods. As such, the proposed DRC should not have provided written preliminary approval of the Brookside Village Residential Development. Specifically, the DRC is without authority to approve a development that is not consistent with the Comprehensive Plan and/or that fails to comply with applicable LDC provisions.

Wherefore, the Petitioners request that the Special Master issue an order to the Leon County Board of County Commissioners recommending a denial of the Brookside Village Residential Development Application based upon its inconsistency with the stated Goals, Policies and Objectives of Leon County's Comprehensive Plan and because it fails to meet the stated requirements of the applicable land development regulations of the Code of Laws of Leon County, Florida.



Jeremy V. Anderson, Esquire
Anderson & Givens, P.A.
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Tallahassee, FL 32309
Email: janderson@andersongivens.com
Phone: 850-692-8900

EXHIBIT A

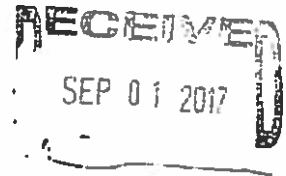
COMPATIBILITY ANALYSIS

Sources: Aerial- Wendy Grey Report,
Brookside Village Site Plan dated 4/19/17



Brookside Village Lots (Dashed Red line Area): 2.28 acres/11
lots = 4.82 du/ac. Adjacent to Ox Bottom Manor (Lots 1-7):
4.9 acres/7 lots = 1.43 du/ac. Brookside density is 3.3 times
higher than Ox Bottom Manor

Brookside Village Lots (Red line Area): 2.87 acres/12 lots =
4.18 du/ac. Adjacent to Moore Pond (lots 23-25): 9.95 acres/3
lots = 0.3 du/ac. Brookside density is 14 times higher than
Moore Pond



**LEON COUNTY DEPARTMENT OF DEVELOPMENT SUPPORT
AND ENVIRONMENTAL MANAGEMENT
NOTICE OF INTENT TO FILE A PETITION FOR FORMAL PROCEEDINGS
BEFORE A HEARING OFFICER**

For Appeals of a Limited Partition or Type "A" or "B" Site and Development Plan

THIS NOTICE MUST BE FILED WITH THE LEON COUNTY DEPARTMENT OF DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT, DEVELOPMENT SERVICES DIVISION, WITHIN FIFTEEN (15) WORKING DAYS AFTER THE DECISION WAS MADE. NOTICES MUST BE DELIVERED TO THE DEPARTMENT OF DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT, DEVELOPMENT SERVICES DIVISION, 435 NORTH MACOMB STREET, TALLAHASSEE, FL 32301, TOGETHER WITH A NONREFUNDABLE FILING FEE OF \$90.00 (ADD \$30.00 FOR EACH ADDITIONAL PERSON JOINING IN THE NOTICE) PAYABLE TO LEON COUNTY.

1. Name of Petitioners: MOORE POND HOMEOWNERS ASSOCIATION, INC. (additional parties joining in on this notice, but submitted on separate applications as directed by County staff are: ROSEHILL PROPERTY OWNERS' ASSOCIATION, INC. and OX BOTTOM MANOR COMMUNITY ASSOCIATION, INC.).

**Correspondence Address Petitioner: Anderson | Givens, P.A. c/o Jeremy Anderson, Esquire
P.O. Box 12613, Tallahassee, FL 32317**

Telephone Number for Petitioner: (850) 544 4653

Email for Petitioner: janderson@andersongivens.com

2. The undersigned hereby gives notice of intent to file a petition for formal proceedings regarding the following project:

**NOTICE OF INTENT TO FILE APPEAL TO DRC PRELIMINARY DECISION OF
CONDITIONAL APPROVAL BROOKSIDE VILLAGE RESIDENTIAL SUBDIVISION,
TYPE "B" SITE AND DEVELOPMENT PLAN
LEON COUNTY ID# LSP150035
PARCEL ID#: 14-19-20-001-0000**

A PARTY FILING A NOTICE OF INTENT TO FILE A PETITION FOR FORMAL PROCEEDING MUST COMPLETE THE APPLICATION BY FILING A PETITION FOR FORMAL PROCEEDING BEFORE A HEARING OFFICER WITHIN THIRTY (30) CALENDAR DAYS AFTER THE DECISION IN QUESTION IS RENDERED. FAILURE TO COMPLETE THE APPLICATION WITHIN THE SPECIFIED THIRTY (30) DAY PERIOD WILL RENDER THE DECISION FINAL. APPEALS ARE HEARD BY A HEARING OFFICER AND

ARE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN SECTION 10-7.414 OF THE LEON COUNTY CODE OF ORDINANCES. APPEALS OF THE HEARING OFFICER'S DECISION ARE REVIEWABLE BY THE CIRCUIT COURT.

3. THE PERSON FILING THIS NOTICE IS (CHECK ONE BELOW):

The Applicant The local government with jurisdiction

A person who will suffer an adverse effect to an interest protected by the Comprehensive Plan

4. STATE THE BASIS FOR SEEKING A FORMAL PROCEEDING Use additional sheets if necessary. You must allege how the proposed project violates the ordinances of Leon County.

The proposed Brookside Village development violates Sec. 10-6.617., the Residential preservation section of the Leon County Code. Specifically, the purpose and intent of that provision is to:

protect existing stable and viable residential areas from incompatible land uses and density intrusions.

The proposed Brookside Village development is incompatible and is a density intrusion into an area with established larger lot developments.

Objective 2.2 of the Comprehensive Plan is to promote compatibility with adjacent existing and future residential land uses. The proposed Brookside Village development violates this objective.

Policy 2.2.2, Residential Preservation, of the Comprehensive Plan indicates that the Residential Preservation is:

[c]haracterized by existing homogeneous residential areas within the community . . .

The proposed Brookside Village Development is not homogenous with existing residential areas due to the substantially smaller lot sizes, building sizes, and lot setbacks. This policy further states that:

[t]he primary function is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Future development primarily will consist of infill due to the built out nature of the areas."

This policy contemplates infill with similarly dense uses, not super dense uses that are incompatible with adjacent existing residential communities. The proposed Brookside Village development is incompatible and is a density intrusion into an area with established larger lot communities. Lastly, this policy states that:

[c]onsistency with surrounding residential type and density shall be a major determinant in granting development approval.

The DRC erred in granting approval of the Brookside Village development because of its inconsistency and incompatibility with the surrounding residential type and density.

If you are not the applicant, state how you will be affected by the decision. Use additional sheets if necessary. To be entitled to initiate a formal proceeding you must show that you will suffer an adverse effect which exceeds in degree the general interest in community good shared by all persons:

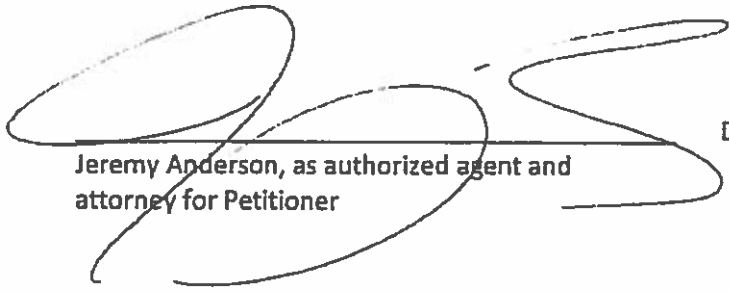
MOORE POND HOMEOWNERS ASSOCIATION, INC. (hereinafter ("Association")) is a "homeowners' association" pursuant to Section 720.301(9), Florida Statutes, that is responsible for the operation of the Moore Pond community. Section 720.303(1), Florida Statutes, provides that the Association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to its members. The adverse effects of the proposed Brookside Village are a matter of common interest to its members that exceed in degree the general interest in community good shared by all persons. Further, the Directors and Officers of the Association have a fiduciary responsibility under Section 720.303(1), Florida Statutes, which would include opposing development impacts that would decrease property values, increase traffic, or that would otherwise result in the degradation of the quality of life now enjoyed by Association members.

While the Moore Pond development is approximately 1 unit per 3+ acres, the 8 acres of proposed building area, upon which the Brookside Village units is be constructed, will result in approximately 8 units per acre creating a use that is not compatible with the abutting Moore Pond development and that violates both county code and the Leon County Comprehensive Plan. The Brookside Village developed area is approximately 23 times denser than Moore Pond.

The incompatibility is quite evident in the density of the units clustered together, the substantially smaller building and lot sizes, as well as the substantial differences in lot coverage, orientation, scale, height, mass, setbacks and internal traffic circulation. Wendy Grey noted in her presentation to the DRC similar compatibility concerns. Such compatibility concerns are not experienced by other persons and other communities not in close proximity. Thus, the negative impacts of the proposed Brookside Village on Moore Pond Association and its membership exceed in degree the general interest in community good shared by all persons.

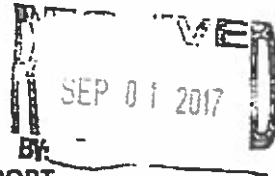
Pursuant to Sec.10-7.404 of the Leon County Land Development Code, the Association submitted written comments regarding the Brookside Village Residential application prior to the adjournment of the DRC meeting at which the written preliminary decision on the development application was made.

I CERTIFY THAT I HAVE READ THE ABOVE INFORMATION AND THAT ALL THE INFORMATION PROVIDED IN THIS NOTICE IS CORRECT.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke that extends to the right.

Jeremy Anderson, as authorized agent and
attorney for Petitioner

Dated: 9/1/17



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1. Name of Petitioners: **OX BOTTOM MANOR COMMUNITY ASSOCIATION, INC. (joining into the MOORE POND HOMEOWNERS ASSOCIATION, INC. petition submitted on 9/1/17, which ROSEHILL PROPERTY OWNERS' ASSOCIATION, INC. also joined in by separate application as directed by staff).**

Correspondence Address Petitioner: **Anderson | Givens, P.A. c/o Jeremy Anderson, Esquire
P.O. Box 12613, Tallahassee, FL 32317**

Telephone Number for Petitioner: **(850) 544 4653**

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2. The undersigned hereby gives notice of intent to file a petition for formal proceedings regarding the following project:

**NOTICE OF INTENT TO FILE APPEAL TO DRC PRELIMINARY DECISION OF
CONDITIONAL APPROVAL BROOKSIDE VILLAGE RESIDENTIAL SUBDIVISION,
TYPE "B" SITE AND DEVELOPMENT PLAN
LEON COUNTY ID# LSP150035
PARCEL ID#: 14-19-20-001-0000**

A PARTY FILING A NOTICE OF INTENT TO FILE A PETITION FOR FORMAL PROCEEDING MUST COMPLETE THE APPLICATION BY FILING A PETITION FOR FORMAL PROCEEDING BEFORE A HEARING OFFICER WITHIN THIRTY (30) CALENDAR DAYS AFTER THE DECISION IN QUESTION IS RENDERED. FAILURE TO COMPLETE THE APPLICATION WITHIN THE SPECIFIED THIRTY (30) DAY PERIOD WILL RENDER THE DECISION FINAL. APPEALS ARE HEARD BY A HEARING OFFICER AND

ARE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN SECTION 10-7.414 OF THE LEON COUNTY CODE OF ORDINANCES. APPEALS OF THE HEARING OFFICER'S DECISION ARE REVIEWABLE BY THE CIRCUIT COURT.

3. THE PERSON FILING THIS NOTICE IS (CHECK ONE BELOW):

The Applicant The local government with jurisdiction

A person who will suffer an adverse effect to an interest protected by the Comprehensive Plan

4. STATE THE BASIS FOR SEEKING A FORMAL PROCEEDING Use additional sheets if necessary. You must allege how the proposed project violates the ordinances of Leon County.

The proposed Brookside Village development violates Sec. 10-6.617., the Residential preservation section of the Leon County Code. Specifically, the purpose and intent of that provision is to:

protect existing stable and viable residential areas from incompatible land uses and density intrusions.

The proposed Brookside Village development is incompatible and is a density intrusion into an area with established larger lot developments.

Objective 2.2 of the Comprehensive Plan is to promote compatibility with adjacent existing and future residential land uses. The proposed Brookside Village development violates this objective.

Policy 2.2.2, Residential Preservation, of the Comprehensive Plan indicates that the Residential Preservation is:

[c]haracterized by existing homogeneous residential areas within the community . . .

The proposed Brookside Village Development is not homogenous with existing residential areas due to the substantially smaller lot sizes, building sizes, and lot setbacks. This policy further states that:

[t]he primary function is to protect existing stable and viable residential areas from incompatible land use intensities and density intrusions. Future development primarily will consist of infill due to the built out nature of the areas."

This policy contemplates infill with similarly dense uses, not super dense uses that are incompatible with adjacent existing residential communities. The proposed Brookside Village

development is incompatible and is a density intrusion into an area with established larger lot communities. Lastly, this policy states that:

[c]onsistency with surrounding residential type and density shall be a major determinant in granting development approval.

The DRC erred in granting approval of the Brookside Village development because of its inconsistency and incompatibility with the surrounding residential type and density.

If you are not the applicant, state how you will be affected by the decision. Use additional sheets if necessary. To be entitled to initiate a formal proceeding you must show that you will suffer an adverse effect which exceeds in degree the general interest in community good shared by all persons:

OX BOTTOM MANNER COMMUNITY ASSOCIATION, INC. (hereinafter ("Association")) is a "homeowners' association" pursuant to Section 720.301(9), Florida Statutes, that is responsible for the operation of the Ox Bottom Manner community. Section 720.303(1), Florida Statutes, provides that the Association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to its members. The adverse effects of the proposed Brookside Village are a matter of common interest to its members that exceed in degree the general interest in community good shared by all persons. Further, the Directors and Officers of the Association have a fiduciary responsibility under Section 720.303(1), Florida Statutes, which would include opposing development impacts that would decrease property values, increase traffic, or that would otherwise result in the degradation of the quality of life now enjoyed by Association members.

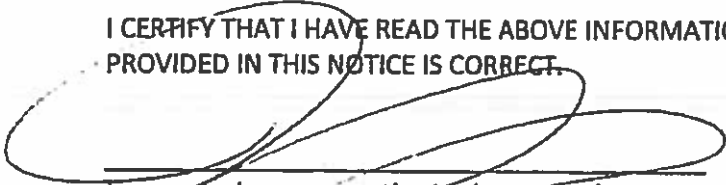
While the Ox Bottom Manner development is approximately 1-2 unit per acre, the 8 acres of proposed unit building area, upon which the Brookside Village units is be constructed, will result in approximately 8 units per acre creating a use that is not compatible with the abutting Ox Bottom Manner and that violates county code and the Leon County Comprehensive Plan. The Brookside Village developed area is 4-7 times denser than Ox Bottom Manner.

The incompatibility is quite evident in the density of the units clustered together, the substantially smaller building and lot sizes, as well as the substantial differences in lot coverage, orientation, scale, height, mass, setbacks and internal traffic circulation. Wendy Grey noted in her presentation to the DRC similar compatibility concerns. Such compatibility concerns are not experienced by other persons and other communities not in close proximity. Thus, the negative impacts of the proposed Brookside Village on Moore Pond Association and its membership exceed in degree the general interest in community good shared by all persons.

Pursuant to Sec.10-7.404 of the Leon County Land Development Code, the Association submitted written comments regarding the Brookside Village Residential application prior to

the adjournment of the DRC meeting at which the written preliminary decision on the development application was made.

I CERTIFY THAT I HAVE READ THE ABOVE INFORMATION AND THAT ALL THE INFORMATION PROVIDED IN THIS NOTICE IS CORRECT.

A large, handwritten signature in black ink, appearing to read 'Jeremy Anderson', is written over a horizontal line. The signature is somewhat stylized and loops around the line.

Dated: 9/1/17

Jeremy Anderson, as authorized agent and attorney for Petitioner