

**TALLAHASSEE-LEON COUNTY PLANNING COMMISSION**

**PARKSIDE-PARK TERRACE  
NEIGHBORHOOD ASSOCIATION,  
Petitioner,**

**DOAH CASE NO.: 07-1884**

v.

**STEPHEN B. SKIPPER, AND  
CITY OF TALLAHASSEE,  
Respondents.**

**FILED**  
2008 FEB 11 P 12:01  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

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**FINAL ORDER**

THIS MATTER CAME BEFORE the Tallahassee-Leon County Planning Commission on the attached RECOMMENDED ORDER entered by T. Kent Wetherell, II, Administrative Law Judge, Division of Administrative Hearings, acting as the Administrative Law Judge for the Planning Commission in this matter. The record of the proceeding before the Administrative Law Judge has been filed with the Clerk. The Planning Commission has considered PETITIONER'S WRITTEN EXCEPTIONS TO THE RECOMMENDED ORDER, and the RESPONSE BY CITY OF TALLAHASSEE TO PETITIONER'S EXCEPTIONS AND MOTION TO STRIKE.

**FINDINGS OF FACT**

1. Based upon a review of the entire record, Finding of Fact Paragraph 30 is changed to read in its entirety as follows:

The project consists of 78 townhome/condominium units in 14 three-story buildings.

2. Based upon a review of the entire record, Finding of Fact Paragraph 82 is changed to read in its entirety as follows:

Vehicles leaving the project will utilize Voncile Avenue, Joyner Drive, and Monticello Drive to access Old Bainbridge Road or Tharpe Street.

3. The remaining Findings of Fact contained in the RECOMMENDED ORDER are hereby accepted, adopted and incorporated herein by reference.

#### CONCLUSIONS OF LAW

4. The Conclusions of Law in the RECOMMENDED ORDER are hereby accepted, adopted and incorporated herein by reference.

#### RULINGS ON EXCEPTIONS AND MOTIONS

5. The Planning Commission considered Respondent City of Tallahassee's Motion to Strike the Petitioner's Exceptions, and determined that the City's Motion to Strike be denied.

6. After thorough consideration, the Petitioner's Exceptions to the Recommended Order with regard to Paragraphs 30 and 82 of the Findings of Fact are granted in part as set forth in Paragraphs 1 and 2 above, and are otherwise hereby denied.

7. After thorough consideration, the Petitioner's other Exceptions to the Recommended Order, pertaining to Paragraphs 13, 62-65, 69, 74, 75, 80-81, 83, 87, 90, 91, 100, 101, 108, 114, 115, 137, and 138 are hereby denied.

8. The Florida Land Use and Environmental Dispute Resolution Act provides an opportunity for an owner of property who believes that a development order is unreasonable or unfairly burdens the use of his real property to apply for a special master proceeding. An owner who believes that a development order, either separately or in conjunction with other development orders, or an enforcement action of a governmental entity, is unreasonable or unfairly burdens the use of his real property, may apply within 30 days after receipt of the order or notice of the governmental action for relief under this

Act. Owners of real property contiguous to the site will be provided a copy of any such request filed with the Planning Department. Any substantially affected party who submits oral or written testimony of a substantive nature which states with particularity objections to or support for any development order at issue may also receive a copy of any request for relief filed under the Florida Land Use and Environmental Dispute Resolution Act by filing a written request for such copy with the Planning Commission Clerk, Tallahassee-Leon County Planning Department, City Hall, 300 South Adams Street, Tallahassee, Florida 32301.

WHEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, it is ordered that the Planning Commission approves the Type B Site Plan Application submitted by Stephen B. Skipper, subject to the conditions recommended by the DRC and the additional conditions required by the Recommended Order herein.

**APPROVED** by the Planning Commission on this 14<sup>th</sup> day of January, 2008.



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Maribel Nicholson-Choice, Chairperson  
Tallahassee-Leon County Planning Commission  
City Hall  
300 South Adams Street  
Tallahassee, Florida 32301

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

DECISIONS BY THE PLANNING COMMISSION BASED UPON THE RECOMMENDATION OF AN ADMINISTRATIVE LAW JUDGE MAY BE CHALLENGED IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT BY PETITION FOR WRIT OF CERTIORARI FILED NO LATER THAN 30 CALENDAR DAYS AFTER THE PLANNING COMMISSION'S FINAL DECISION IS RENDERED.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that this Final Order was filed in the Office of the Clerk of the Planning Commission this 7<sup>th</sup> day of February, 2008, and that a copy has been furnished by U.S. Mail to: Linda R. Hudson, Esquire, Assistant City Attorney, City Attorney's Office, City Hall, 300 South Adams Street, A - 5, 4th Floor, Tallahassee, Florida 32301; Murray Wadsworth, Jr., Esquire, Gardner, Wadsworth, Duggar, Bist & Wiener, P.A., 1300 Thomaswood Drive, Tallahassee, Florida 32308; Joseph T. O'Neil, Parkside-Park Terrace Neighborhood Association, 720 Voncile Avenue, Tallahassee, Florida 32303; Chris Bentley, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301; The Honorable T.K. Wetherell, II, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, on this 7<sup>th</sup> day of February, 2008.

*A. Deepika*

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Deepika Andavarapu  
Planning Commission Clerk  
Tallahassee-Leon County Planning Department  
Renaissance Center  
435 North Macomb Street  
Tallahassee, Florida 32301