

**GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS PLANNING  
COMMISSION MEETING**

**PUBLIC HEARING**

**Minutes**

**Thursday, April 10, 2014**

**6:00 p.m.**

Board of County Commissioners Meeting Room  
7 East Jefferson Street  
Quincy, Florida

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**Present:** Commissioner Regina Davis, At - Large Member, Chair  
Commissioner Edward Allen, Vice – Chair  
Commissioner Dr. Gail Bridges – Bright (absent)  
Commissioner Diane Sheffield (absent)  
Commissioner Larry Ganus  
Commissioner Mari VanLandingham (absent)  
Commissioner David Tranchand  
Commissioner Frank Rowan  
Commissioner William Chukes  
Commissioner Edward J. Dixon (arrived late)  
Commissioner Catherine Robinson (absent)  
Commissioner Isaac Simmons, School Board Representative  
Allara Gutcher, Planning & Community Development Director  
Beryl H. Wood, Deputy Clerk

**1. PLEDGE OF ALLEGIANCE**

Chair Davis called the meeting to order at 6:00 p.m. with a quorum and led in the Pledge of Allegiance to the U.S. flag.

**2. INTRODUCTION OF MEMBERS/ROLL CALL**

Each member present stated his or her name and district for the record.

**3. APPROVAL OF MINUTES – November 14, 2013 and March 13, 2014**

**November 14, 2013**

**UPON MOTION BY COMMISSIONER ROWAN AND COMMISSIONER CHUKES, THE  
COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE NOVEMBER**

**14, 2013 MINUTES WITH THE NECESSARY CORRECTIONS PROVIDED TO THE DEPUTY CLERK.**

**March 13, 2014**

**UPON MOTION BY COMMISSIONER TRANCHAND AND COMMISSIONER CHUKES, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE MARCH 13, 2014 MINUTES WITH THE NECESSARY CORRECTIONS PROVIDED TO THE DEPUTY CLERK.**

Commissioner Tranchand stated it was important for no items to move on to BOCC without their approval.

**UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER GANUS, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, THAT NOTHING GOES FORWARD TO THE COUNTY COMMISSION PRIOR TO THE PLANNING COMMISSION APPROVING THE MINUTES WHERE IT WAS DECIDED.**

(The motion was later withdrawn by Commissioner Tranchand and Ganus and reflected at that portion of the minutes.)

- 4. DISCLOSURES AND DECLARATIONS OF CONFLICT - None**
- 5. INFORMATIONAL DOCUMENTS: Housing Element (CPA-2014-01) – Recommended Final Draft of Goals, Objectives, and Policies of the Housing Element of the Comprehensive Plan.**

Mrs. Gutcher said this was requested at the last meeting and it is for informational purposes only.

*The March 13, 2014 Minutes highlight all changes that were made on the Housing Element.*

Chair Davis asked the Commission did they review the final draft and where there questions for the Director.

Commissioner Ganus questioned page 1, policy 3.1.3, “I didn’t see where supporting infrastructure was defined.”

Mrs. Gutcher said it was defined in the Land Development Code. The changes you see are based on the minutes with the two motions that were presented. She read the infrastructure definition into the record.

*Commissioner Dixon entered at this juncture of the meeting.*

Commissioner Ganus referenced page 7, policy 3.6.1 a change made at the last meeting, but not carried over. The new policy number (3.6.1) is referring to policy 3.5.2 if it is met it should be policy 3.6.2.

Mrs. Gutcher added that was correct and would be reflected.

Chair Davis said this is the recommended final draft. No approval was needed, since it was approved at the prior meeting.

**6. PUBLIC HEARING (Legislative): Subsection 5002(B) of the Land Development Code; Non-conforming Structures and Uses (LDC-2014-01) – Amending the Land Development Code regarding non-conforming structures and uses.**

Mrs. Gutcher provided a review to the update of the Land Development Code (LDC) to include a distinct difference between non-conforming uses, structures, and lots of record; to provide for condemnation; to provide exceptions for such.

All of these issues are separate and very distinct from each other and currently are listed in Chapter 5. It currently interchanges those terms and contains one regulation. The intent of this amendment is to clearly define what each one of those issues is as each can be listed separately or in combination with another; to provide better regulations to staff on issues as to how to proceed with those regulations and to better explain to the citizens how the uses, structures are defined and exist. “For example a non – conforming use is one that would have a business, enterprise or residential use on a future land use category that doesn’t support that use. If you have a rural residential designation and you have a grocery store on that parcel that’s a non-conforming use. A non-conforming use can also have a non-conforming structure. This means the structure doesn’t meet the bulk regulations described in the LDC. That could be setbacks, height regulations, and impervious surface ratios.” “You sometimes have instances where a non-conforming structure is created by condemnation. If a road is widened by a municipality, county or state government and they take part of the property the structure is located on, it sometimes creates a non-conforming structure. Now the structure isn’t meeting the required setback of the Code.” She said this is not covered in the current regulation and is proposed in the document before you. In addition, there is a section regarding non-conforming lots of record, which occur commonly in all jurisdictions including Gadsden County. That’s where you have a lot of parcels of record existing prior to any adopted lot of size requirements in the Code.

She gave, for example that rural residential requires 1 acre to put one dwelling unit on that parcel. We might have some smaller parcels that have a rural residential use. That would be a non-conforming lot of record whereas the lot is less than 1 acre in size. Applicability is

better defining what it applies to. Last year the County Commission adopted an ordinance that would define the time length parameters on when a non-conforming use could exist. She pointed out those didn't change in this document. They remain the same in time, which was 2 or 3 years, depending on whether or not it was a residential or commercial use. Staff included the regulation regarding how it's determined whether that use has stopped being used which includes utility services and fire insurance reports. The items listed on the last page of the proposal are what staff uses today. Basically, in a nutshell it's better organized, better defined, clearer, including categories that we don't currently have in our Code today to better cover all instances that occur.

Chair Davis entertained questions from the Commission.

Commissioner Tranchand pointed out on Chapter 5, B on Non-Conforming Uses: On item #2 it's permissive and a restricted section. Over on the last page that statement is repeated in the exceptions section where it should be. "I think B 2 should be eliminated and just work with the permissive section on the last page."

Mrs. Gutcher stated that was a good point.

**UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER DIXON, THE COMMISSION VOTED 8-0, BY VOICE VOTE, TO DELETE 5 B #2.**

Commissioner Ganus commented on Section (A) #4, the reference number should be 5003(A) (4) instead of 2003 (A) (4). He also noted on 4b next to the last line: as long as **year** setback. He said it should read **yard** setback; B6 the 2003 should be corrected to read 5003; under Section D 5, instead of "director" being used would rather see the Department of Community Development.

Mrs. Gutcher suggested using Planning Official because they need to reference a specific person. She said usually with the notification you are dealing with a certain person and she would rather it be a Planning Official, Planning Manager or Planning Director. She said usually it's not to a department; it's to a person or a position.

Commissioner Ganus gave for example the Director is out of pocket and someone else has to assume that duty.

Mrs. Gutcher stated then it would need to read the Planning Official or departmental Designee.

Commissioner Ganus agreed to keep it from being centered on the director. After the attorney comments a couple of weeks ago if the director is in charge of everything, just thinking about a potential lawsuit, if something goes haywire.

Mrs. Gutcher pointed out lawsuits go to the County, not a staff person.

**UPON MOTION BY COMMISSIONER GANUS AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 8 – 0, BY VOICE VOTE, TO REMOVE THE WORD DIRECTOR IN D #5 AND TO REPLACE WITH PLANNING OFFICIAL OR DESIGNEE.**

Commissioner Ganus commented on Section (A) Non-Conforming Uses. What about the expansion of a non conforming use? He recalled a situation that dealt with the BOCC where the grandfathering didn't end with the change of ownership. He asked about the expansion. Are we just going to allow that non-conforming use to explode as big as they want to go or will there be any control on it?

Mrs. Gutcher said if someone had a commercial use in a rural residential designation, and they abandoned it, the Code states if it is within 3 years they can come back and open within that same spot. She pointed out on the last page they used proof of use to determine non-conforming use. It is allowed to continue as commercial use pursuant to part (A) #2 expansion or extensions. "Non-conforming uses shall not be expanded or enlarged or increased or extended." She said she couldn't recall when this happened and it had not happened under her watch. They would not be able to enlarge.

Commissioner Ganus discussed Section (B), Non-Conforming Uses #5 in comparison with Section (E) exceptions #3. It appeared they were in conflict with one another

Mrs. Gutcher said (E) #3, is not saying that it shall be allowed to retain its non-conforming status if it is substantially damaged. She said (E) #3 isn't saying it doesn't have to comply with the Code. She said in (B) #5 they would have to apply to the Code.

Commissioner Ganus commented they wouldn't get to retain their non-conforming status.

Mrs. Gutcher suggested they delete part (B) #5 and only have (E) #3.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER CHUKES, THE COMMISSION VOTED 8 -0, BY VOICE VOTE, TO DELETE B NON-CONFORMING USES # 5.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 8 -0, BY VOICE VOTE, TO ACCEPT SUBSECTION 5002(B) OF THE LAND DEVELOPMENT CODE; NON-CONFORMING STRUCTURES AND USES (LDC-2014-01) AS AMENDED.**

**7. PUBLIC COMMENT**

Michael Dorian, Alligator Road, asked would anything be done about expanding property.

**8. DIRECTOR'S COMMENTS**

Mrs. Gutcher asked for direction on how she would handle moving items forward if the minutes were to be approved before going to the County Commission meeting.

Chair Davis suggested they have a special meeting.

Commissioner Allen clarified they discussed putting the entire package together before it went to the County Commission. He asked would they go through each amendment one by one.

Mrs. Gutcher commented this was a different document.

Commissioner Tranchand said they want to see the final draft before it goes to the Board of County Commission (BOCC).

Commissioner Ganus said this has never been an issue before. He pointed out, their recommendation is going to the BOCC, and they know how we are voting.

Commissioner Dixon asked if we have talked about and decided on it, is the concern what was decided is not going to the BOCC.

Commissioner Allen commented on the procedure of documentations and attachments that are prepared by staff which is presented to the BOCC. He said several issues have come up on the county level and he would like to see the final draft before going to the BOCC.

Discussion followed among the Board.

Deputy Clerk clarified PC minutes aren't presented to the BOCC, only agenda reports and supporting documentation.

*Note: Staff prepares and decides what is presented in packages that are presented to the BOCC.*

**UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER GANUS, THE COMMISSION VOTED 8 - 0, BY VOICE VOTE, TO WITHDRAW THE ORIGINAL MOTION THAT NOTHING GOES FORWARD TO THE COUNTY COMMISSION PRIOR TO APPROVING THE MINUTES .**

Commissioner Ganus said are we saying we want to make a set rule that we want to bring everything back. “What if we are happy with what we are sending forward?”

Commissioner Allen said they should always see a final draft of all documentation. He said an email was fine as long as they saw the final draft before being presented to the BOCC.

Commissioner Ganus said it should stay the same unless it is requested by this Commission. He said if the BOCC agendas are prepared 2 weeks in advance that gives you the opportunity to make sure it matches everything we have decided. He said they had the option of contacting the director if it does not show up at the County Commission Meeting. He added there were several other avenues to look at it again without bringing it back before the Commission.

Mrs. Gutcher said she would prefer if they have a concern with something staff is presenting to BOCC, they just give her a call.

Commissioner Simmons said all issues should be resolved once they leave the PC.

Mrs. Gutcher said to the Commission she only makes changes based on motions, so they need to be clear and precise when making them.

**UPON MOTION BY COMMISSIONER GANUS AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 4– 4, BY SHOW OF HANDS TO LEAVE AS IS, MAKE NO CHANGES TO THE FLOW OF DOCUMENTATION FROM PLANNING COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS. (COMMISSIONER’S DIXON, TRANCHAND, DAVIS AND SIMMONS OPPOSED THE MOTION).**

Motion failed, so it stays the same, no changes were made.

Mrs. Gutcher asked for clarification. Once it finishes this meeting it goes on to the County Commission with no in-between steps.

Commissioner Dixon said it stays the same, unless requested by the body.

9. **ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR  
DECLARED THE MEETING ADJOURNED AT 6:57 P.M.**

**GADSDEN COUNTY, FLORIDA**

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**REGINA DAVIS, PC CHAIR**

**ATTEST:**

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**BERYL H. WOOD, DEPUTY CLERK  
For NICHOLAS THOMAS, CLERK  
Gadsden County, Florida**