

**GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING COMMISSION MEETING AND  
PUBLIC HEARING  
MINUTES**

**Thursday, September 11, 2014**

**6:00 p.m.**

Quincy Library Meeting Room

Pat Thomas Parkway

Quincy, Florida

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

**1. PLEDGE OF ALLEGIANCE**

Vice -Chair Allen called the meeting to order at 6:25 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 which they are appointed for the record.

**3. DISCLOSURES AND DECLARATIONS OF CONFLICT**

There were no disclosures and declarations of conflict.

## **GENERAL BUSINESS**

- 1. PUBLIC HEARING (Legislative):** Consideration for amendment of the Intergovernmental Coordination Element and/or Policy 10.1.3 of the Public School Facilities Element.

Mrs. Gutcher gave overview of Intergovernmental Coordination Element Policy 10.1.3 of the Public School Facilities Element (PSFE). She explained that the Comprehensive Plan is the guiding document when an issue of inconsistency comes into play. The Public School Facilities Element was adopted into the Comprehensive Plan in 2008, after the Interlocal Agreement was signed in 2003. Assumedly, the party writing the Public School Facilities Element did not refer to the language in the Interlocal Agreement which is internally inconsistent as it states that the school board member shall be a “nonvoting representative” in one portion of the Section 5.1 of the Interlocal Agreement, but in that same paragraph it states that the “County and the Cities may at their discretion grant voting status to the School Board appointee”. She said because the Comprehensive Plan Public School Facilities Element currently states the school board member may be “a nonvoting or voting representative”, the language should be the same in the draft Intergovernmental Coordination Element.

She recommended that the Planning Commission recommend to the Board of County Commissioners that DRAFT Policy 7.1.4 (e) state what is stated currently in Policy 10.1.3 of the Public School Facilities Element. This policy shall then state:

*“Policy 7.1.4 (e): The County shall include, as a member of the Planning Commission, a nonvoting or voting representative appointed by the School Board. The representative shall attend and may provide comment at those meetings where a comprehensive plan amendment, residential site plan or residential subdivision that may increase residential density or the use of public lands are on the agenda.”*

Commissioner Ganus questioned Chapter 10, Policy 10.1.3. He said it was also listed in state law and it reads the same way in the statutes. He said after reading it a few times, he questioned Chapter 10 and asked, “The way it’s worded does it mean the school board member is just a part time member and should only come to the meeting when there is a Comprehensive Plan amendment, residential Site Plan review or residential subdivision review that may increase residential density, or when the use of public land is on the agenda?” He furthermore asked if none of that is covered on the agenda does the school board member attend and take part.

Mrs. Gutcher responded her interpretation of the Policy is the County shall include the member, so the member is required to be on the Local Planning Agency. The school board representative shall attend and may provide comment at those meetings where those agenda items exist. There is nothing prohibiting that member from attending or commenting otherwise. She said it just states they have to come where a Comprehensive Plan amendment, residential site plan review or residential subdivision review may increase

residential density, or when the use of public land is on the agenda. It doesn't prohibit them from coming to the other meetings; it just states they have to come for those specific cases.

Commissioner Tranchand asked would it invalidate the situation if they weren't there.

Mrs. Gutcher responded no. She said as long as you have a quorum, you can hold a meeting.

Commissioner Ganus confirmed with all that has been said, it makes the School Board Member a full member.

Commissioner Allen asked was it already in the Comprehensive Plan that the School Board Member is a voting member.

Mrs. Gutcher said yes.

Commissioner Rowan explained the reason for making the School Board member become a voting member was to reach a quorum.

Commissioner Chukes asked could that representative vote at every meeting.

Mrs. Gutcher said there was nothing that prohibited him from voting.

Commissioner Ganus said there would be no incentive if they can't vote. He said if they follow state law then there really is no room left for further discussion. He said it is listed in the 2014 Florida Statutes.

Mrs. Gutcher said it's an optional element, the Public School Facility.

Commissioner Dr. Bridges – Bright stated even though it may not be required they still need to have the Interlocal Agreement or collaboration.

*Commissioner Dixon had been present throughout meeting via phone, but joined the meeting at this juncture.*

Mrs. Gutcher said they are required to have the Intergovernmental Coordination Element. She said the public schools are now an option of the local government. If we were going to eliminate the Public School Facilities Element we have to first dissolve the Interlocal Agreement that was adopted back in 2003 and amended in 2008.

**UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND COMMISSIONER DIXON, THE COUNCIL VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL, TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT DRAFT POLICY 7.1.4 9 (e) STATE WHAT IS CURRENTLY IN POLICY 10.1.3 OF THE PUBLIC SCHOOL FACILITIES ELEMENT. THIS POLICY SHALL THEN STATE.**

***“Policy 7.1.4 (e): The County shall include, as a member of the Planning Commission, a***

***nonvoting or voting representative appointed by the School Board. The representative shall attend and may provide comment at those meetings where a comprehensive plan amendment, residential site plan or residential subdivision that may increase residential density or the use of public lands are on the agenda.”***

- 2. PUBLIC HEARING (Legislative):** Consideration for amendment of the Land Development Code, Chapter 9, Development Agreements, Chapter 7, Development Orders, and Chapter 2, Definitions.

Mrs. Gutcher discussed the update of the LDC to move those regulations pertaining to Development Agreements from Chapter 9, Development Agreements to Chapter 7, Development Orders and amending the Chapter 7 title to “Development Orders, Development Permits and Development Agreements.” In addition, amendment to Chapter 2, Definitions, as it pertains to development agreements. She said this issue is to better organize the Land Development Regulations, it’s all about being efficient and moving Chapter 9 in its entirety to Chapter 7 and renaming Chapter 7 to Development Orders, Development Permits and Development Agreements which, is what Chapter 9 is about Development Agreements. She said it also reconstructs the Development Agreement portion of the Code to update based on what’s currently in the Statutes and to be more precise. She said currently in the Code the limitation for the life of a Development Agreement is 10 years. The Florida Statutes once stated the same, but subsequently had been amended for 20 years but, currently it is at life span maximum of 30 years. She said her recommendation for the length of the life for a Development Agreement was 20 years, but would be comfortable if they wanted to go up to 30 years.

Commissioner Tranchand asked why they extended the time.

Mrs. Gutcher commented she would imagine the last extension was because of the economic downturn and they knew projects would be on hold for a lot longer. She stated a Development Agreement was a tool that you can use when you have a project that comes in that might be in multiple phases and would take time to generate funding for the additional phases. She said what it does is lock them into the current standards that are in place on the books at the time for the course of the duration of the Development Agreement. It gives them certainty. It is an agreement between local government and the developer on the terms of the development.

Commissioner Dixon asked Mrs. Gutcher was there any active Development Agreements where it has taken that much time to develop. He said the agreement binds all the parties involved but asked how it would be amended.

Mrs. Gutcher replied she didn’t know of any active Development Agreements in Gadsden County. She said it was possible to amend a Development Agreement and it would have to go back before a Public Hearing process.

**UPON MOTION BY COMMISSIONER ROWAN AND SECOND BY COMMISSIONER DIXON,**

**THE COMMISSION VOTED 6 – 1, BY VOICE VOTE, TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THE AMENDMENTS ARE CONSISTENT WITH THE COMPREHENSIVE PLAN AND ADOPT THE AMENDMENTS AS PRESENTED ALONG WITH AMENDING THE CODE TO 30 YEARS FOR THE LIFE SPAN OF THE DEVELOPMENT AGREEMENT. (Commissioner Ganus opposed the motion.)**

- 3. Public Hearing (Legislative)** – Consideration for amendment to changes of use by adding to Subsection 2102, Subsection 7002.C.3 and Subsection 7201.A.9 to the Gadsden County Land Development Code (LDC).

Ms. Jeglie presented the amendment to the LDC to address changes of use and occupancy by amending Subsection 2012 and adding Subsections 7002.C.3 and 7201.A.9 to address changes of use. She stated right now they aren't addressed specifically in the Code and they would like to add two definitions to section 2102: One is to define what a use is. The other is to define what a change of use is. She said that subsection 7002.C.3 dealt with the exemption to Development Orders, those change of uses that would not require any review or approval at staff level. She added 7201.A.9 would be added to the Type 1 review procedures that would require review of the project that propose a change of use, but then triggered parking mechanism.

Commissioner Ganus said the term *use*, has a new definition. How does it affect the current definition of land uses?

Ms. Jeglie said it refers to what is in the Code. It's how the building is being used.

Mrs. Gutcher stated for example, if you had a florist, which is a commercial use, that vacated the structure for whatever reason, and a restaurant applied to take that place, it's a change of use. It is still allowed in the Commercial Land Use Category, but the parking may be different for a café rather than a florist. This would give an avenue to review that change of use to make sure that is the Code requirements are still adequate, that there is landscaping and parking, for example.

Commissioner Dixon inquired how you would know if there is a change of use.

Mrs. Gutcher said in some cases they have to get a building permit. She said that was one of the only ways to know unless someone calls.

Ms. Jeglie said they don't have business licenses.

Commissioner Dixon asked why they haven't developed business licenses, not for a money generator, but to know who is out there.

Ms. Jeglie said she was not sure.

Commissioner Allen asked what if there was no structure, but they wanted a change of use. He gave for example an asphalt company change to a sand pit company.

Ms. Jeglie said that would be more of just a simple change of the use, it would trigger other standards.

Commissioner Dixon commented if you didn't regulate the initial use of the building how you can now regulate the change of use of the building.

Commissioner Dr. Bridges – Bright said generally when they build a structure initially we are in some type of way notified.

**UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 6 – 1, BY VOICE VOTE, TO RECOMMEND APPROVAL BY ORDINANCE OF TEXT AMENDMENTS TO AMEND SUBSECTION 2102 AND TO ADD SUBSECTIONS 7002.3 AND 720.1.A.9 TO ADDRESS CHANGES OF USE IN THE LAND DEVELOPMENT CODE. (Commissioner Dixon opposed the motion.)**

Commissioner Ganus questioned the definition under the Development Review Committee, it had a list of the officers of the county in the old one and the new is very limited on what it says. He questioned "How many members would it be?" He asked was there anywhere in the Code that defined Development Reviews. He inquired if it could be brought up to date (revised) and still include the membership.

Mrs. Gutcher said her firm opinion was they should not try to regulate through definitions. She said if there needed to be a regulation in the administration procedures of the Code, then that is where it should be listed. It shouldn't direct us, it's only a definition. She offered Commissioner Ganus a list. She said she would be happy to provide a list of the county officers but would rather put it in the Administrative section of the Code instead of in the definitions.

Commissioner Ganus asked if she would bring back at a later date, so they can have an idea of who the Development Review Committee would be.

Mrs. Gutcher said yes and asked was that the reason for his opposing vote.

Commissioner Ganus responded no, he said he felt 20 years was enough for the life span of the Development Agreement.

**OTHER ITEMS:**

- 4. DISCUSSION ITEMS** - Discussion of Special Exception Uses (*material will be handed out for review at meeting*).

Mrs. Gutcher asked the Commission if they would please think of some Special Exception Cases/Uses and they would review at a later date. She said they would revise list and send out.

**5. PUBLIC COMMENTS - Gadsden County Comprehensive Plan**

Mrs. Gutcher discussed the Comprehensive Plan as related to Future Land Use Element, she would like for it to flow precisely and eliminate confusion. She handed out a sample revision of the Future Land Use categories in the Future Land Use Element, and mentioned that it was food for thought, not a final document, but would like to start reconstructing it as soon as possible. She asked the Commissioners to give her a call if they had questions or input.

**6. DIRECTOR'S COMMENTS**

Mrs. Gutcher said she would like to schedule a public workshop for October 2, 2014 with Beth Kirkland from Gadsden Development Council for Economic Growth within the County.

**7. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR  
DECLARED THE MEETING ADJOURNED AT 7:15 P.M.**

**GADSDEN COUNTY, FLORIDA**

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**EDWARD ALLEN, VICE - PC CHAIR**

**ATTEST:**

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