



**GADSDEN COUNTY
BOARD OF COMMISSIONERS**

EDWARD J. BUTLER
GADSDEN COUNTY GOVERNMENTAL COMPLEX
Planning & Community Development

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

Thursday, February 12, 2015

06:00 PM

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

Present: Commissioner Regina Davis, At - Large Member, Chair
Commissioner Dr. Gail Bridges – Bright
Commissioner John Youmans
Commissioner Mari VanLandingham
Commissioner David Tranchand
Commissioner Frank Rowan
Commissioner William Chukes
Commissioner Edward J. Dixon
Commissioner Roger Milton, School Board Representative
David Weiss, County Attorney
Jill Jeglie, Senior Planner
Allara Gutcher, Planning & Community Development Director
Beryl H. Wood, Deputy Clerk

Absent: Commissioner Edward Allen, Vice – Chair
Commissioner Catherine Robinson
Commissioner Gerald McSwain

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 introduced themselves for the record and stated their appointed districts.

3. APPROVAL OF MINUTES

Documents: December 11, 2014 Workshop Minutes

The minutes weren't approved, due to only the odd pages being copied for the Commission. The chair said they would be continued until the next meeting.

4. DISCLOSURES AND DECLARATIONS OF CONFLICT - None

GENERAL BUSINESS

5. PUBLIC HEARING (QUASI-JUDICIAL) - Fletcher Mine Variances (V-2015-01) |

All speakers were sworn by the deputy clerk, Beryl Wood before speaking.

Ms. Jeglie introduced the Fletcher Mine Variances. The applicant wishes to 1.) To allow the Fletcher Mine to relocate the existing access through McFarlin Farms properties designated Rural Residential (RR); and, 2.) To approve a reduction in required 185' access separation to 160' between the proposed driveway and Taylor Road. She read the Planning & Community Development Analysis. She said 1 & 2 criterion of her analysis show the variance criteria have been met and the variance approval is contingent upon compliance with the following:

- 1.) A minimum separation of 160' from the northern edge of Taylor Road; and,
- 2.) Compliance with the plans submitted with variance application, dated December 6, 2012.

Randy Lane, Consulting Engineer for project & Nick Jon's, Operation Manager came before the Commission. He said it would be 15ft they would have to cross Taylor Road.

Commissioner VanLandingham asked would the road be open to the public.

Mr. Lane said "no". There is no person attending the gate.

Commissioner Youman asked had they met (studied) the ingress and egress; had it been completed, because there was a slight hill there.

Mr. Lane stated they had taken care of that.

UPON MOTION BY COMMISSISONER VANLANDINGHAM AND SECOND BY COMMISSIONER DIXON, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO RECOMMEND APPROVAL OF FLETCHER MINE DRIVEWAY VARIANCE.

6. Public Hearing (Legislative) - Shade Farm Subdivision Development Agreement (DA-2015-01) - WITHDRAWN

| 7. DISCUSSION - Special Exception/Conditional Uses (LDR-2015-01) |

Ms. Jeglie discussed the proposed amendments to the Gadsden County Land Development Code (LDC) to address 'Special Exception Uses' (SEU) including revising the definition of SEU of Subsection 2102, Definitions, Specifically; Creating Subsection 5004 'Supplemental Standards for Special Exception Uses and amending Subsection 7202 (A)(10) Type II Procedures of the Land Development Code (LDC).

She stated at the October, 2014 Planning Commission workshop, the Commission discussed that the LDC requires many uses to be reviewed as SEU. In order to address the issues related to SEU, the following steps are recommended (some may be processed concurrently).

- 1.) Amend the LDC to include criteria and standards for addressing SEU;
- 2.) Amend the FLUE to relocate review levels to the LDC, and revise them as appropriate (In Process); and,
- 3.) Amend the LDC to reflect the appropriate review level/type (e.g. Class I, Class II, Special Exception, etc.). The review procedures will also be reviewed and simplified.

Attorney Weiss noted that Special Exception understanding the general nature of it is a use that you would consider to potentially complement the uses that are allowed as of right, but you would be concerned about capability and impacts on other current uses. "You want to be able to determine on a case by case basis whether are not they are appropriate based on their impacts. You need to be able to evaluate the impact and evaluate whether those are going to be compatible with the other uses that are permitted in any given category. Yes, legally you need criteria on which to He said they need criteria to evaluate whether or not the use is going to be appropriate or whether it's going to impact. You can't make your decision or evaluation based on anything that is not in the Code." He was in favor of moving forward.

Chair Davis said they would like to table until they received entire packet.

Commissioner Dixon asked for examples, visuals.

Mrs. Gutcher mentioned special uses such as house of worship, noise, high traffic, etc. She asked for any additional criteria that you would want to impose.

At the discretion of the Commission, this item was tabled until next meeting.

At this juncture of the meeting the Commission recessed for from 6:38 – 6:46pm.

8. **PUBLIC HEARING (LEGISLATIVE) - Transmittal of the Future Land Use Element (CPA-2015-011)**

Mrs. Gutcher discussed the transmittal of the Future Land Use Element. She said they had been working with this Element through October of last year and as they have been going through it she has been making the recommended changes. She mentioned that she highlighted some changes that needed to be made in the final document. She said in addition, staff received a couple of different correspondence letters that the Commission needs to discuss. This hearing is required to offer a recommendation to the BOCC for the transmittal of the revised Future Land Use Element (FLUE) to the Department of Economic Opportunity for review as a more concise, understandable and defensible document which will provide certainty regarding the allowable development within each land use category, and to future growth of Gadsden County.

She noted that Michael Dooner, of Southern Forestry Consultants, had sent in a letter that was attached and in their packets, concerning the Best Management Practices (BMP) adopted in 2008 regarding the practice of harvesting of timber. As a result of this correspondence, the Planning Commission needs to take action regarding the strike-through portion of policy 1.1.1 (C) (6), the Silviculture Future Land Use category section. The strikethrough is recommended because the timber harvesting industry does not only harvest in lands designated as Silviculture on the Future Land Use Map, but in other land use categories as well. She noted another policy which should be inserted into the Conservation Element, addressing all silviculture activities throughout Gadsden County. After careful review of the Best Management Practices that were adopted in 2008 (the most recent document) she concurs with what Mr. Dooner suggested. Her recommendation is to delete the second sentence with “no harvesting shall occur”. Mr. Dooner is basically suggesting that our language could be less restrictive not more and that we should follow the BMP Document.

She also noted on page 2 of 11 C.) Silviculture part 6, to delete the currently stricken last sentence.

The discussion continued regarding Page 4 of 11 under the Rural Residential land use category– Part I. At the last meeting there was discussion about how to determine the net density on a piece of property, “how to calculate that”. She referenced the graphic included in their packets as Attachment 7: “Sample Parcel Current Policy and Sample Parcel Proposed Policy”.

Discussion occurred by the Commission on net density.

Also letters were submitted by Mr. Darrin Taylor of Carlton Fields/ Jordan Burt addressing the proposed amendments to the Future Land Use Element.

Mrs. Gutcher suggested to the Commission they table this item until the March meeting.

Attorney Weiss commented the easement is sort of problematic to encompass all easements because you're not necessarily prohibited from building on all easements. If you want to have the easements you might want to modify the language, so it's clear that it's easements which don't allow development.

Mrs. Gutcher continued her discussion on page 5 of 11 – K. Commercial: She said last time they talked they said mobile home parks shall be an allowable use in commercial. She said after careful thinking, they need to have a density for mobile home parks if we are going to allow them in Commercial. She pointed out; the underline text is new language, so they can have that density parameter: Density – 0.00 except for mobile home parks which shall be limited to a maximum of five units per acre.

The final issue that was discussed was what to do about the language from the 2008 Stipulated Settlement Agreement, which is page 11 of 11: She said attachment 3 that is included in their packets contains proposed language. She said there are policies that are enclosed that you can include or include the entire language that is currently in the plan but, but they need resolution.

Chair Davis called for public comment before the Commission discussion.

Public Comment

- **Larry Ganus**, 2174 Frank Smith Rd, mentioned the Stipulated Settlement Agreement which was talked about in articles in the local newspaper (Tallahassee Democrat) which discussed local governments trying to get some of the Amendment 1 money to extend central sewer systems and get rid of septic tanks. He said the Agreement was put forth to because of urban sprawl problems, facilities and services. He felt it would be a mistake to do away with the Agreement because it was put there for the same problems that were listed in state law that development should be managed and not let it appear everywhere. He asked that they keep the Stipulated Settlement Agreement as a part of the Comp Plan. He named three ways it could be done: It could be kept in its entirety, the way it is in the Comp Plan now, Policy 1.14; it could be kept as suggested by staff as a reference or you could pull out certain pertinent requirements that you wanted to keep and put that in the draft Comp Plan. He requested that some record of what has occurred in the past needs to be kept.
- He continued by requesting that the Rural Residential (RR) Policy 1.1.5(B) be retained (In current Comp Plan last sentence read into record). He said it would allow RR to be developed in the county changing it from Ag to RR. He stated he would like an up or down vote from the Commission to see RR restricted or to be adjacent to RR.

Mrs. Gutcher said pertaining to Stipulated Settlement Agreement if it is the will of the Commission to retain these policies, she suggested that they create an overlay zone and map those overlay zones and have a policy that is specific to each one of those areas.

- **Michael Dorian**, 145 Alligator Run, commented he had his water tested and resulted in them saying that it was some of the cleanest water in Gadsden County. He asked the Commission not to pollute the water, keep urban sprawl near cities.

- **Vinette Godelia**, 119 S. Monroe St Suite 300, representing CW Roberts who owns property at 9941 Pat Thomas Parkway, said they would like to adopt the comments in the letter presented by Darrin Taylor of Carlton Fields. Those are the issues they want to raise. First with regard to Future Land Use Element (FLUE) Policy 1.1.1 being proposed, that does not include language that was in the former version of the FLUE which deferring to federal and state agencies with regard to mining approvals. That has been the long standing process in Gadsden County and most jurisdictions across the State. On behalf of her clients, she wants to be clear whether the county intends to embark on creating some type of local process that would add to the current entitlement scenario or if that is not what the County intends to do and plans to continue to defer to federal and state agencies dealing with mines, but that something be stated on the record to make sure it is clear. She mentioned FLUE 1.1.3 that currently talks about the County's position which is to protect existing and future mining reserves. On the property that CW Roberts owns off of SR 267 there is a portion that has been mined, since the 1990's. They said in the last 5 years they have worked with the Planning Director's to see if the Future Land Use Map could be amended to reflect what is actually on the ground out at property. Instead of the applicants having to come in and change their properties, which currently now have Ag 3 Future Land Use category designation, regardless of the actually use, whether it would make sense to re-designate portions of property that has been historically used for mining. She said as it stands they currently have to come back in and apply for a map amendment to change it from Ag 3 to Mining. She noted that they want to rely on what the county has historically said about this, which is that they want to protect future and existing mining uses.

- **Darrin Taylor**, 215 S. Munroe St. who represents BASF – Anderson Columbia, referenced the letters he submitted. He apologized because they were unaware that this discussion had been going on since October of last year. He said they identified 6 issues to the County that were addressed in the letter(s). He stated the majority of the issues were language that has been approved by the Board, that's in place and everyone is relying upon, to please just put it back in. "That's all we're asking for" that's the majority of our concerns. Specifically issues of concern of mining that states the long term position, boundary and map interpretation. He said their position is that it provides very specific language. He said there is no conflict with state law. He said if there was some map error the Planning Department could send it to the Department of Economic Opportunity. He said there were two issues related to Commercial that dealt with property right issues. Basically, anywhere in the Agriculture 1, 2 or 3 Categories, right now in the Comp Plan it says that by right with the special exception you have a right to Neighborhood Commercial as long as you meet the specific criteria. In the proposed amendment what it says is that no it's not Neighborhood Commercial it's agriculturally related Commercial. That's a very significant difference into what rights you have on the property. Vesting is

another issue of concern listed. He indicated that he would like to work with the Commission to create language that would fit.

Commissioner Tranchand asked Mr. Taylor asked did he feel they put enough effort.

Mr. Taylor commented he felt the dialogue they are doing now is good and the move it is going in is good as well.

Mrs. Gutcher commented on Mr. Taylor's comments. His second point regarding the Neighborhood Commercial that is allowed everyone in the Agriculture Land Use Categories 1, 2 and 3 as a Special Exception. The proposed document is creating a Neighborhood Commercial Future Land Use category, so neighborhood commercial would not be approved as a Special Exception any longer. It would be its on land use category with criteria. Currently, neighborhood commercial inside the land use category of Agriculture 1, 2 or 3 does have location criteria. That language is transferring over to the proposed Neighborhood Commercial Future Land Use category. The issue we have with Neighborhood Commercial as a Special Exception is that we say we don't want it to be more than two acres, but if it's a Special Exception inside of another land use category, it's hard to monitor as opposed to a map amendment. A special exception is not something that's mapped.

Regarding the Heavy Industrial category and commercial uses that are currently allowed in the Heavy Industrial, she stated the following: The issue is that when you allow commercial uses in the Industrial category then the commercial uses can eat up that Industrial Future Land Use category. It is traditional hard to get Industrial Future Land Use on the map because people don't understand it. The County should preserve the Industrial land use for industrial uses.

Regarding the vesting and non-conforming language, there might have been a little crossover between what the vesting is and what the non-conforming is. Yes, a vesting use is one that has a development order in hand. Mrs. Gutcher mentioned that when she talked with Mr. Taylor that morning he did have a really good point that mining activities don't receive a Development Order from Gadsden. She said there might need to be some tweaking there. Non-conforming uses are ones that aren't allowable within the Future Land Use category they are located. The non-conforming uses are those that aren't allowable by right and have existed for a number of years, even prior to the Comprehensive Plan and have continued on over such time.

Commissioner Dixon asked him what his proposal to fix it was.

Mr. Taylor said he would provide exact proposed language, but he felt they did a great job in explaining what they thought would be proposed language or language that should be retained.

Chair Davis said they would go back to staff recommendations.

Motions:

- Page 2 of 11 – Section C # 6: removing last sentence:
UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER VANLANDINGHAM, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO ACCEPT STAFF RECOMMENDATION ALONG WITH MR. DONNER’S COMMENT ON BEST MANAGEMENT PRACTICES, WHICH RESULTED IN STRIKING OF THE LAST SENTENCE IN C. SILVICULTURE ON PAGE 2 OF 11.
- Page 4 of 11 – “Whether or not to include new language to remove development potential from defined environmentally sensitive areas, rather than from the overall net density calculation.” Requested diagrams that were provided. Also, new proposal to remove easements from net density.
Commissioner Dr. Bridges – Bright commented in looking at the proposal and the current policy it’s to move with the proposal adding the language that does not add development where it speaks to the existing easements. She stated she felt this language was appropriate: “Which does not allow development to calculate the net density.” *Net acreage is determined by removing wetlands, perennial waterbodies, floodways, and existing which do not allow development.* Moving with proposal and included which does not allow development of net density.)
Attorney Weiss commented either way is appropriate but, understand what you are doing effectively doing there, he said he wasn’t sure that is what they are attending. Under the scenario given if you have an easement that doesn’t allow development and you have one acre then you aren’t going to be able to develop your property.
UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER VANLANDINGHAM, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO MOVE WITH PROPOSAL AND INCLUDE THE LANGUAGE, WHICH DOES NOT ALLOW DEVELOPMENT OF NET DENSITY ON ATTACHMENT 7- PROPOSED POLICY.
- Page 5 of 11 K #7 - Mobile home parks shall be on a centralized water and waste water system to receive a density of greater than one dwelling unit per acre. K3 – except mobile home parks which shall be limited to a maximum of five units per acre.
UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER DIXON, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO INCLUDE THE UNDERLINED LANGUAGE IN K. COMMERCIAL – NUMBER 3 AND NUMBER 7.
- Page 11 of 11 – Stipulated Settlement Agreement
Commissioner VanLandingham made a motion for correct on language and to include all Stipulated Settlement Agreement policies; was seconded by Commissioner Dixon. It was later withdrawn by both. Commissioner Dr. Bridges – Bright discussed creating and mapping the overlay zone.
UPON MOTION BY COMMISSIONER VANLANDINGHAM AND SECOND TRANCHAND, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, TO CREATE OVERLAY AND INCLUDE THE STIPULATED SETTLEMENT AGREEMENT LANGUAGE.

- Mr. Ganus approached the Commission to request the following: – RR adjacent to RR; retain existing language- to keep current language under 1.1.5B Motion:
UPON MOTION BY COMISSIONER TRANCHAND AND SECOND BY COMMISSIONER VANLANDINGHAM, THE COMMISSION VOTED 9 – 0, BY VOICE VOTE, RETAIN EXISTING LANGUAGE UNDER POLICY 1.1.5 B.
- Chair Davis inquired about the comments from Mr. Taylor or Ms. Godelia. Which were to return on Elements portion in the April meeting. Issues that they were raised: vesting related to mining; 6 issues and asked that all the language be returned.

It was asked that Mrs. Gutcher discuss with Mr. Taylor the issues on Industrial and Commercial Language and bring findings back to Commission at next meeting.

9. PUBLIC COMMENTS

Chair Davis thanked the high school students that were in the audience for coming and being so attentive. She also asked that they keep Commissioner Allen in their prayers.

10. DIRECTOR'S COMMENTS

- Meeting date for April changed from April 16, 2015 to April 9, 2015 (moved up one week.)
- Gadsden County Competitive Florida Partnership Program is moving forward and staff is working with the Department of Economic Opportunity and making great strides.
- Next Meeting Thursday, March 12, 2015 at 6:00 p.m.

11. ADJOURNMENT

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR
DECLARED THE MEETING ADJOURNED AT 8:19 P.M.**

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, CHAIR

ATTEST:

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