



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

Thursday, June 11, 2015
6:00 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 David Tranchand
Commissioner Frank Rowan
Commissioner William Chukes
Commissioner Edward J. Dixon
David Weiss, County Attorney
Allara Gutchner, Planning & Community Development Director
Jill Jeglie, Senior Planner
Willie Brown, Principal Planner
Beryl H. Wood, Deputy Clerk

Absent: Commissioner Mari VanLandingham
Commissioner Malcolm Carter
Commissioner Marion Lasley
Commissioner Gerald McSwain
Commissioner Roger Milton, School Board Representative

1. PLEDGE OF ALLEGIANCE

Chair Davis called the meeting to order at 6:05 p.m. due to technical difficulties. A quorum was present and she then 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, district for which they are appointed for the record.

3. APPROVAL OF MINUTES – Planning Commission Minutes

▪ **April 9, 2015 – Regular Meeting Minutes**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, TO APPROVE THE APRIL 9, 2015 MEETING MINUTES.

▪ **May 14, 2015 – Regular Meeting Minutes**

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER TRANCHAND, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, TO APPROVE THE MAY 14, 2015 MEETING MINUTES.

4. DISCLOSURES AND DECLARATIONS OF CONFLICT

There were no disclosures and declarations of conflict noted.

GENERAL BUSINESS

5. PUBLIC HEARING

Skyway Tower Preliminary Site Plan (SP-2015-01) (Quasi-Judicial)

All participants that provided testimony were sworn by the deputy clerk due to it being a Quasi-Judicial Hearing.

Willie Brown, Principal Planner, discussed the Skyway Tower Preliminary Site Plan with a power-point presentation. Belinda Bodie, Zoning Specialist with Neel – Schaffer Inc. as agent, is requesting Conceptual/Preliminary Site Plan approval with four (4) deviations to allow a 250-foot Self Supporting Tower within a 100-foot by 100-foot leased area enclosed by a 6-foot fence. The tower site will be located within a 10,000 square foot leased area at 364 Old Federal Road on tax Parcel ID# 4-01-1N-5W-0000-00333-0200 which lies on a 27 acre tract of land. Deviations from Subsections 5805(A).1, 5805(A).2, 5805(B).1, and 5806 (A).3 are required for approval of this application.

The radius (shown on Exhibit 1) is the leased area of the tower site, which amounts to about 10,000 square feet. The radius also represents the fall zone of the tower. It is designed to collapse within itself; it wouldn't fall outside of the 175 foot radius. The anchor carrier in this case is Verizon and there is also space for 3 additional carriers, totaling 1,025 square feet. Verizon would have 400 square feet of space. The nearest residential structure is in the Agricultural District and another is within the Rural Residential District. The location in relation to the Rural Residential category is the subject of one of the requests for deviation to the requirements. The nearest structure in Rural Residential is 962 feet from the proposed tower site. There will be a fence that will surround the compound at six feet in height, and the gate entrance is proposed to be 6 feet wide. The top of the fence will have a 12 inch barb wire that would completely surround the tower site.

Commissioner Tranchand asked who owned the property to the west.

Mrs. Bodie stated that Mr. and Mrs. Sparkman own the property to the west.

Commissioner Chukes asked about the deviations from the regulations to the LDC.

Commissioner Tranchand discussed the elimination of the lighting problem.

Commissioner Youman pointed out it did not meet the standards.

Mr. Brown said that it does not and the applicant knows it does not. It deviates from the Land Development Code.

Michael Dorian, 145 Alligator Rd. came forth to the podium, he said he served on the committee that developed the cell tower regulations years ago.

Mrs. Bodie addressed the Commission. She said Verizon approached them about the additional tower.

Commissioner Dixon asked what the general requirements are.

Mrs. Bodie responded it is a coverage issue. What we are trying to do is fill a service hole in this area.

Commissioner Youmans asked about objections.

Mrs. Bodie said there was one issue and it has been rectified.

Commissioner Dixon explained to have the appropriate coverage we need the cell towers.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND COMMISSIONER DIXON, THE COMMISSION VOTED 7 – 0, TO APPROVE OPTION 1 TO RECOMMEND APPROVAL OF THE NEEL –SCHAFFER SERVICES PRELIMINARY SITE PLAN (SP-2015-01) TO ALLOW A 250’ FOOT SELF SUPPORTING LATTICE TOWER ON A 10,000 SQUARE FOOT LEASED SITE LOCATED ON THE SPARKMAN PROPERTY AT 364 OLD FEDERAL ROAD (TAX PARCEL ID#4-01-1N-5W-0000-00333-0200) AS PERMITTED BY SUBSECTION 5811 (H) OF THE LDC BASED ON FINDINGS IN THIS AGENDA REPORT AND WITH FOLLOWING CONDITIONS:

- A. DEVIATIONS GRANTING A WAIVER FROM THE REQUIREMENTS OF SUBSECTION 5805 (A).1; SUBSECTION 5805 (A).2, SUBSECTION 5806(a)0.3 BASED ON THE “ANALYSIS AND FINDINGS” CONTAINED WITHIN THIS REPORT AND CRITERIA CONSISTENT SUBSECTION 5811 (H) AS FOLLOWS.**
 - I. DEVIATION TO WAIVE REQUIREMENT THAT TOWERS NOT BE LOCATED WITHIN 0.5 MILE RADIUS OF THE RURAL RESIDENTIAL DISTRICT.**
 - II. DEVIATION TO WAIVE REQUIREMENT THAT TOWERS THAT ARE LIT AT NIGHT WITH RED LIGHTS BE AT LEAST 7X’S THE HEIGHT OF THE TOWER FROM PROPERTY LINES OF PARCELS OF LAND WITH A RESIDENCE.**
 - III. DEVIATION TO WAIVE REQUIREMENT THAT TOWERS BE LOCATED ON PUBLICLY OWNED LANDS.**
 - IV. DEVIATION TO WAIVE REQUIREMENT THAT TOWERS BE LOCATED ON EXISTING TOWERS IN THE AREA.**

Commissioner Tranchand pointed out he was reluctant to approve because of the work that went into the policy on the towers. He said “You wouldn’t want to make this a precedent”.

Mr. Dorian said the process is working; no one is speaking against it. They have followed what was in place. He noted a concern setting a precedent for the fall zone.

6. PUBLIC HEARING

▪ Transmittal of the Future Land Use Element (CPA-2015-01) (Legislative)

Mrs. Gutcher commented this was tabled at the May meeting. 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 the future growth of Gadsden County. She pointed out language was added on page 7 part O. Addition to the Mining category: 3.) mining reclamation activities; 4.) Mining extraction activities shall be conducted in a manner which will mitigate adverse effects to water quality, fish, wildlife, and adjacent land uses. Mining activities shall not interrupt existing residential uses by creating inconsistent and conflicting land uses. Mining uses are not subject to County Development Order approval provided the mining operation has received approval by applicable federal and state agencies prior to operation and the operation is on land designated as “Mining” on the Future Land Use Map. In addition, any mining operation shall comply with any relevant policies located within the Conservation Element.

Darin Taylor commented on the O.) Mining, and said that they support the language that is before them. He said the main issue was to provide a more concise document.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND SECOND BY COMMISSIONER DIXON, THE COMMISSION VOTED 7-0, BY VOICE VOTE, TO MOVE TO APPROVE PAGE 7 WITH THE SAID ADDITIONS.

Page 10 –Policy 1.3.2 Vesting new policy of mining activities.

UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 7-0, BY VOICE VOTE, TO APPROVE POLICY 1.3.2 VESTING NEW POLICY OF MINING ACTIVITIES.

Commissioner Dixon asked what happens if we have a policy in place and there is something dangerous going on such as environmentally wrong. Does this take away our right to mitigate?

Commissioner Tranchand asked if the State would follow our policy.

Mrs. Gutcher said the State is the regulator of the permits they issue. The “problem” has to be something determined by the State.

Attorney Weiss said that vested rights is a legal concept. The reason we have to carve out mining is because we have to carve out the designation criteria. The County doesn’t have recourse. You can notify the permitting authority if there is a concern.

Commissioner Tranchand asked was the approval of this really needed.

Attorney Weiss said yes, so that a determination can be made as to when landowner’s rights were vested.

Chair Davis called for public comment.

UPON MOTION BY COMMISSIONER TRANCHAND AND COMMISSIONER ROWAN, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF POLICY 1.3.2.

UPON MOTION BY COMMISSIONER DR. BRIDGES – BRIGHT AND COMMISSIONER ROWAN, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE TO RECOMMEND APPROVAL AND MOVE FORWARD TO BOARD OF COUNTY COMMISSION TO TRANSMIT TO THE DEO FOR REVIEW.

7. PLANNING COMMISSIONER QUESTIONS AND COMMENTS

There were no additional questions and comments.

8. DIRECTOR’S COMMENTS, ALLARA GUTCHER

Mrs. Gutcher handed out the Comprehensive Plan Conservation Element Outline and she would like to schedule a workshop on June 25 to make progression on the Comprehensive Plan.

She discussed motions that came through the Commission. She said from this day forward staff would not take action unless there is a vote. To direct staff from this forward, you need a motion.

Discussion occurred among the Commission.

9. ADJOURNMENT OF MEETING

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR
DECLARED THE MEETING ADJOURNED AT 7:05 P.M.**

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, CHAIR

ATTEST:

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