

**GADSDEN COUNTY PLANNING COMMISSION
MEETING MINUTES**

**Thursday, September 15, 2016
6:00 p.m.**

Board of County Commissioners Chambers
7 East Jefferson Street
Quincy, Florida 32351

Present: Commissioner Regina Davis, At - Large Member, Chair
Commissioner Dr. Gail Bridges – Bright
Commissioner William Chukes
Commissioner Frank Rowan
Commissioner Marion Lasley
Commissioner David Tranchand
Commissioner Edward J. Dixon
Commissioner Doug Nunamaker
Jill Jeglie, Interim Planning & Community Development Director
David Weiss, County Attorney
Marcella Blocker, Deputy Clerk

Absent: Commissioner Gerald McSwain
Commissioner Lori Bouie
Commissioner David Tranchand
Commissioner John Youmans
Commissioner Roger Milton, School Board Representative

1. PLEDGE OF ALLEGIANCE

Chair Davis called the meeting to order at 6:02 p.m. with a quorum present. She then led in the pledge of allegiance to the US Flag and asked each person to silence their electronic devices for the duration of the meeting.

2. ROLL CALL

Each member present stated his name and district for which he represents.

3. APPROVAL OF THE AGENDA

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE AGENDA AS PRINTED.

4. APPROVAL OF MINUTES – NONE

5. PUBLIC HEARING (Legislative) (LDR 2016-08) – Consideration of amendments to Chapter 6 Subdivision of Land, of the Land Development Code.

Ms. Jeglie commented this hearing is required to offer a recommendation to the BOCC for the amendment of Chapter 6 of the Land Development Code as to the consistency of said amendments to the Comprehensive Plan. She said it is to improve the flow of the current chapter. She said one portion has already been updated, that the public hearing process was moved to Chapter 1 and previous amendments that you saw. This chapter will now provide a subsection which will describe the exceptions from the subdivision process. There is a list in section 6003, which essentially include things such as court order splits, exempts parcels that are over 20 acres or greater as long as access is provided; and Lots created by federal and state governments.

She said one thing that Attorney Weiss and she had talked about was a section with minor subdivision highlights and major subdivision highlights. She said you may want to go ahead and ask questions versus going through line by line. Definition for public and private right-of-way was added, because in the minor subdivision it talks about a public right-of-way and she wanted to be clear what a public right-of-way was.

She said staff recommendations found that the amendments to the Land Development Code are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, and recommend to the BOCC that they adopt the changes to Chapter 6 of the Land Development Code by Ordinance.

Ms. Jeglie asked if the Planning Commission would like to ask questions instead of going through this line by line.

Chair Davis asked which copy of the LDR they would like to use. It was a consensus that they go with the strike through version and would go page by page with the first page being 1 of 44. There were no questions on page 1 of 44.

Commissioner Dixon stepped out.

Commissioner Lasley asked questions regarding subsection 6003 on the exceptions - B on page 2 of 44. This allows parcels to be split into 20 acres legally. She asked if people could go to courthouse and split lots.

Ms. Jeglie said yes, they could.

Commissioner Lasley inquired on A - of the same page the family homestead exemption. Ms. Jeglie said those minimum lot sizes are defined later. She said in G - page 3, the exception category you stated condominium parcel. My question is why this would be exempt, not regulated and approved through normal channels.

Ms. Jeglie said development of above a number of condominiums on a parcel would go through a site plan review. They would not be required under statute to create separate lots.

Commissioner Lasley asked how you regulate the number of condominiums allowed.

Ms. Jeglie replied they are considered residential units, so they have to comply with the density for the future land use category they are located in.

Commissioner Dixon returned at this time.

Attorney Weiss expanded on this matter. He said condominium is the form of ownership; you don't actually own the real property when you own a condominium. You locate condominium on parcel of property and you divide it into units that would be owned. You don't own the real property you own basically the air space in between the walls. He said he felt the intent of the provision is to say, you won't require a subdivision when they're individual condominium units. He advised they change parcel to condominium unit.

Commissioner Lasley motioned to make the change from parcel to condominium unit.

Chair Davis asked for the will of the Commission.

Attorney Weiss since it was a public hearing. If anyone has any strong objection to making a language change, he said they could have that conversation otherwise, we can just vote as amended.

Chair Davis moved to page 4, it includes subsection 6102.

Commissioner Nunamaker asked about planning procedures in subsection 6102. He said minor subdivisions aren't required to be platted, subject to the requirements set forth in this Section. In B (3), proposed subdivision in metes and bounds or lot and block. He said if you have a legal description it just calls for "lot and block" if it's not recorded you don't know what the dimensions are of the lot. His suggestion was that you take off "lot and block". He said if minor subdivisions aren't going to be recorded they should all be described in metes and bounds.

Ms. Jeglie corrected the staff report where it indicated all lots in minor subdivisions have to be paved and that is incorrect.

Commissioner Lasley asked was she referring to G. She said it was not included in the previous packet.

Ms. Jeglie said it was included in (G) in the packet she passed out tonight on page 5.

There was a concern noted by the Commission that there were too many copies, they would prefer to work off one copy.

Commissioner Lasley stated in the Planning Commission staff report write up you stated that minor subdivisions would be paved. She was concerned with roads not being paved in the minor subdivisions.

Ms. Jeglie said she copied what Mrs. Gutcher provided. The change had been made at the August meeting and she didn't catch it in the staff report. Currently minor subdivisions are required to be paved and we weren't requiring that change. She said they have never had a minor subdivision that has been paved, right-of-ways will be private. She said the minor subdivision definition was taken out of Definitions and the new definition was included in Subsection 6002 strike/add section. She said this is why she added letter (H) to Subsection 6102. Minor subdivisions shall not access through previously approved minor or platted subdivisions unless all roadways are paved and compliant with the standards of this chapter. She said she agreed with Commissioner Lasley.

Commissioner Lasley said there were problems with paving of roads and if it is not required to set up roads with 60 ft right-of-way.

Commissioner Nunamaker stepped out.

Ms. Jeglie said the right-of- ways will be private and not dedicated to the county that will be deed restricted to indicate they are required to have 60 ft right of way.

Commissioner Nunamaker returned.

Commissioner Lasley asked in Subsection 6201 that "This meeting shall not constitute..." carry on. She discussed the discrepancies whether a minor subdivision is 4 lots or less.

Ms. Jeglie responded the minor subdivision definition was taken out of the definitions and the LDC in a previous amendment. The definition for a minor subdivision is included in this Code in the strike/add in Jill's edit in 6002.B: Which reads the subdivision of land for residential and agricultural uses are 5 lots or less.

Chair Davis suggested using Ms. Jeglie's edits as the guide to reference from this point and started from the beginning on that packet with 1 of 29 on the new copy provided. No changes were from 1-3 of 29. She said she was on subsection 6102 – Minor subdivision procedures, which we have already covered up until g.

Ms. Jeglie said on the clean copy 6003 – G- on page 2 of 29.

Chair Davis said they are now at 6101, Lot Split Procedures. There were no suggestions or corrections.

She then moved to 6102, Minor Subdivision Procedures A – I: Commissioner Nunamaker comments on E. "lot and block" as stated above.

Commissioner Lasley discussed G, the paving of minor subdivision as stated above. She said her problem with this is they had all these problems with paving of the roads and now they are going back to having subdivisions that are being created that are not going to have to pave. If they are not required to set up the roads with a 60ft right-of-way then they will have people coming to the Board asking them to pave it.

Ms. Jeglie reminded her they are required to do the 60ft right-of-way.

Chair Davis asked was everyone ok with the language and 6102 G and H and I. I was added language. There was none.

They then moved to 6200, Major Subdivision, Plat Requirement and Procedures and 6201, Pre-application Meeting and there were no changes.

Commissioner Nunamaker commented on 6202B, speaking of a minimum scale all site plans should be drawn to a minimum scale 1inch equal to 100ft. The Florida Statutes require legible scale. He commented it should be stricken and made to a legible scale should be sufficient.

Commissioner Lasley asked about subsection 6202, Conceptual Plat. She wanted the wording used in pre-application section that this conceptual approval shall not constitute formal action by the County and shall not oppose any obligation on part of either party. She felt it should be strong and she was not in favor of it becoming an administrative procedure.

Attorney Weiss replied to Commissioner Lasley's comment. He said his only question was did it constitute some sort of formal action. He said her reasoning was very sound. He asked if there is a formal action by staff.

Ms. Jeglie said they could specify that the Citizen's Bill of Rights meeting be held prior to an application to conceptual plat.

Commissioner Lasley said she was fine with that.

Attorney Weiss felt it probably would be ok to strike issue administratively. He said you still want to say it is issued administratively. He said may be conceptual approval is issued administratively, but shall not constitute formal action by the County and shall not impose any obligation on the part of either party. He said there are two more stages where you have to go through public hearing.

Commissioner Nunamaker commented on 6202 -1 D; where it said scale it should be bar scale. He also mentioned #7: Wetlands line as drawn from the National Wetlands Inventory. He said he would add the word if applicable. #8; Elevation contour lines (topography) from the USGS 1:24,000 Quad Map series. He said he would say these contour lines are available from other sources (North Florida Water Management, the County websites, etc.). He said there were a lot of different places to get acceptable contour elevations and would just say it had to be from USGS Quad Map. He said he would add other acceptable resources at the end. #C – Conceptual plat approval shall remain in effect for six (6) months from the date of approval. He asked could be extended.

Ms. Jeglie said a 90 day extension may be granted only if sought in writing.

Commissioner Lasley went back to 6202-A and addressed her concerns there. She said she was concerned with the order of the process. You state obtain, complete and submit a development order application for the subdivision of land to the Planning Division along with the required fee. She asked was this happening before any public input and Planning

Commission Review. “It seems to me it would be more applicable if that was done after the preliminary plat.”

Ms. Jeglie said they had to have an application, something formal before they can review anything. The administrative approval would be made on the conceptual plan and then they would apply for the preliminary plat and then there would be an application and a fee. The application would then go forward to a quasi-judicial public hearing.

Attorney Weiss said the development order is the final. He said you could revise and say capitalize “Submit an application for the subdivision of land to the Planning Division on a form provided by the County, along with the required fee.”

Commissioner Lasley commented on 6203, on the last line it says in addition. Subsection 1304 it is stated the quasi-judicial requirements are stated. The hearing and notice requirements, she said for some reason she does not have that in her book and asked had it been changed.

Ms. Jeglie said that in subsection 1304 it has been changed. She noted it is uploaded to the County website, whenever amendments are made and approved.

Commissioner Lasley asked had it been approved by the Commissioners and she would like to get an updated copy.

Commissioner Nunamaker suggested in the Final Plat Application Process Section E, he said where it states base and surface testing (would add for road construction) shall be accomplished by an FDOT certified materials testing laboratory. He said F2, he commented the word mylars is obsolete instead use the word copies. He mentioned the standard language is 24 inches by 36 inches. He also stated behind raised seal add and word, signature of a Florida Licensed Surveyor and Mapper with the following certification.

Commissioner Lasley commented in 6204 C, she was not comfortable with substantially word and the definition; basically it gives the developer, 5 extra lots on 100 lots or more paving without approval, various things. She said that was not what they voted on. She recommended that substantially be removed and then everything after that could be eliminated if not qualified.

Commissioner Dr. Bridges – Bright asked what would be the measure if done the way suggested by Commissioner Lasley.

Commissioner Lasley stated it would read the final plat shall conform to the approved preliminary subdivision plat with any conditions of approval. It needs to have been approved by both Boards.

Ms. Jeglie said the number of lots is up too. She said there needs to be some type of flexibility in standards such as impervious surface providing they comply with the Code.

Commissioner Dixon said you would lose a lot based on the preliminary, but you can try and make it up some place else.

Commissioner Lasley said she would be comfortable if the lot language was removed. She said she was ok with the flexibility and the impervious.

Chair Davis said it would read a deviation not greater than an increase more than (10) percent impervious surface.

Ms. Jeglie said you would strike out from greater all the way to of.

Attorney Weiss said this would have to come back before the Commission, because of the preliminary and final review. He suggested adding language that would make it clear that you still have to conform to the requirements of the Code.

Chair Davis asked for a vote and the consensus and all agreed that- section C, should stay the same with exception of Commissioner Lasley.

Commissioner Nunamaker commented on 6301-B regarding licensed engineer, take out engineer, keep qualified personnel. He said the contractor is not required to have an engineer or surveyor setting grade stakes. Section J, why want blocks to be generally rectangular shaped. He said he has seen quite a bit of subdivisions without a square corner in it. He said the language could also be removed in L (Roads and Street) where it spoke of generally rectilinear pattern with geometrical variation.

Ms. Jeglie confirmed in J that the suggestion was that they remove everything after size. In L, Roads and Streets, Road and street patterns should be designed with variation as require by traffic safety, environmental reasons and design considerations. The other part would remain the same.

Commissioner Nunamaker asked why it states a cul-de- sac road shall not exceed 1,000 feet in length.

Ms. Jeglie said it is in the Code. She said the main reason is to deny a cul-de-sac that takes too long for public safety vehicles.

Commissioner Lasley asked that they check definitions for cul-de-sac.

Ms. Jeglie clarified her previous statement in Code it states: 1500 in the current Code and shall provide a turnaround of a 50ft radius.

Commissioner Lasley said in L number 1 for grammar it should read: be parallel.

Consensus was to leave it like it is.

Commissioner Lasley commented on 14 N. Driveway Connection, should have N in front. She asked on County roads shall be permitted through the Public Works Department and the Planning Division. She asked was that a function of the Building Official.

Ms. Jeglie said the Building Official does not issue the Driveway.

Chair Davis moved to 6301 – Public Improvement Procedures.

Attorney Weiss said they need to renumber all these subsections.

Commissioner Lasley said in subsection 6301 A, she asked about the procedure to install subdivision improvements. She said that was like putting the cart before the horse, because they don't have a development order. She asked after the preliminary plat would that be when you issue a development order.

Ms. Jeglie explained they are issued a development order to begin construction once, the construction plans are reviewed and approved. The final plat approval, there is a recording of the final plat.

Commissioner Lasley discussed C1-have tree protection-in 10 delete tree protection; add to 1, D-maintain records for 1 year instead of 180 days. In 6301 Section F-developer maintains control until maybe 75% of lots sold G; change to 1 year instead of 180 days.

Commissioner Dixon stepped out at this juncture of the meeting.

Commissioner Dixon returned at this juncture.

Commissioner Lasley commented on G, strike "including but not limited to" end of sentence.

Commissioner Nunamaker had problem with flag and shaped lots being prohibited.

Ms. Jeglie explained the logic. More discussion by the Commission occurred.

Commissioner Lasley said according to document new lots created will roads have to be 50 ft wide-right-of-way will.

Commissioner Lasley had comments.

Commissioner Nunamaker said he felt it was mistake. The lost revenue, bring flag lots back as amendment.

Commissioner Nunamaker stepped out at this juncture.

Chair Davis asked was it the will of the Commission to have language added regarding major subdivision and signage. She asked was it mandatory.

Ms. Jeglie replied yes. She said in Sub. 6303.B. a number 14 major subdivision have be required to have signs at all entrances should be added.

Commissioner Nunamaker returned at this juncture.

Commissioner Lasley commented on 6305 Erosion and Sediment Control, wondered if place to add protection for trees and add in A "and to protect trees to be retained."

Commissioner Lasley also commented on 6501. She asked about legal enforcement for HOA after subdivision established. Who enforces HOA and what they need to do.

Attorney Weiss said depends on documents.

Commissioner Nunamaker asked if the language changed from family exemption to family exception.

Attorney Weiss had one more change at the bottom of page 10 of 29. He reminded them it was a public hearing.

Chair Davis asked if anyone wished to speak and no one requested to speak. She said Staff would bring back flag lots and 100 ft right-of way frontage requirement.

She then asked if everyone could accept or agree to that.

Commissioner Nunamaker said it all should be tossed and brought back with a clean copy with changes incorporated.

UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER ROWAN, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL THAT STAFF BRING BACK REVISED CLEAN VERSION WITH CHANGES INCORPORATED OF THE LAND DEVELOPMENT CODE CHAPTER 6 SUBDIVISION OF LAND.

6. **PUBLIC HEARING (Legislative) (LDR 2016-09)** – Consideration of amendments pertain to Neighborhood Commercial to Chapter 4, Subsection 4101, Neighborhood Commercial: Chapter 5, Development Standards, Section 5100 Residential Standards, Section 5900, Recreational Vehicle Parks and Campgrounds; and, Deleting Subsection 5204, Supplemental Standards for the Location of Neighborhood Commercial Uses, of the Land Development Code.

This Public Hearing was not heard, due to the lateness of the hour.

7. PLANNING COMMISSIONER QUESTIONS AND COMMENTS

There were no additional questions or comments.

8. DIRECTOR'S COMMENTS

Ms. Jeglie said the October 13th meeting has been rescheduled to October 20th, 2016.

No one had a problem with the rescheduling.

Commissioner Nunamaker moved to adjourn and it was seconded by Commissioner Dixon.

ADJOURNMENT OF MEETING

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR
DECLARED THE MEETING ADJOURNED AT 8:06 P.M.**

GADSDEN COUNTY, FLORIDA

REGINA DAVIS, PC CHAIR

ATTEST:

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