

**AT A REGULAR MEETING OF THE PLANNING  
COMMISSION HELD IN AND FOR GADSDEN  
COUNTY, FLORIDA ON APRIL 12, 2018 AT 6:00  
P.M., THE FOLLOWING PROCEEDING WAS HAD, VIZ:**

**Present:**

Commissioner Edward J. Dixon, Chair  
Commissioner Libby Henderson, Vice-Chair  
Commissioner Regina Davis, At-Large Member  
Commissioner Gail Bridges-Bright  
Commissioner John Youman - Absent  
Commissioner Marion Lasley  
Commissioner Doug Nunamaker  
Commissioner Lori Bouie  
Commissioner William Chukes - Absent  
Commissioner Antwon McNeil - Absent  
Commissioner Gerald McSwain - Absent  
Commissioner Audrey Lewis, School Board Representative - Absent  
Jill Jeglie, Senior Planner  
Clyde Collins, Planning Director  
David Weiss, County Attorney  
Beryl H. Wood, Deputy Clerk

**1. PLEDGE OF ALLEGIANCE**

Chair Dixon called the meeting to Order and asked everyone to stand for a moment of silence and then led in the Pledge of Allegiance to the U.S. Flag.

He reminded the Commissioners if anyone had any ex parte communications with anyone, phone calls or meeting they should disclose them at this time.

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

Each member that was present stated their name and the district they represented.

**3. APPROVAL OF MINUTES**

**Documents:** PLANNING COMMISSION MINUTES 02-15-18 | PLANNING COMMISSION MINUTES 03-15-18

**UPON MOTION BY COMMISSIONER HENDERSON AND SECOND BY COMMISSIONER BRIDGES - BRIGHT, THE COMMISSION VOTED 6 -1, BY VOICE VOTE, FOR APPROVAL OF THE FEBRUARY AND MARCH MINUTES SIMULTANEOUSLY. (COMMISSIONER LASLEY OPPOSED).**

Commissioner Lasley said she opposed the March minutes due to them being sent via email, she would prefer a hard copy.

**4. Approval of Agenda**

Ms. Jeglie said that item 9 should be pulled from the agenda. She then asked for a motion.

**UPON MOTION BY COMMISSIONER LASLEY AND SECOND BY COMMISSIONER BOUIE, THE COMMISSION VOTED 7 – 0, BY VOICE VOTE, FOR APPROVAL OF THE AGENDA WITH THE ABOVE AMENDMENT – PULLING ITEM 9.**

**5. DISCLOSURES AND DECLARATIONS OF CONFLICT - NA**

**GENERAL BUSINESS – Public Hearings**

**6. MIDWAY BUSINESS PARK PLATTING AGREEMENT (Legislative) Consideration of the Midway Business Park Platting Agreement between Gadsden County and the City of Midway to comply with statutory requirements for plating land in two adjacent local governments.**

Ms. Jeglie said the applicant is requesting a recommendation to consider approval of the Midway Business Park Platting Agreement to allow 1.43 acres of land (right –of –way) located in Midway to be considered as part of the Midway Business Park Preliminary and Final Plats.

She said the primary owner is Anderson Columbia Co., Inc., represented by attorney Nancy Linnan with Carlton Fields. On November 11, 2016, a new conceptual plan was approved with conditions. The submittal of the preliminary plat application was delayed to allow the applicants to address the conditions of approval which included jurisdictional issues with the City of Midway. Midway has approved the platting agreement. A preliminary plat application has also been submitted for consideration at this meeting.

Commissioner Nunamaker revealed disclosure that he was involved in a survey on this property in the past.

Attorney Weiss said that he would be fine as long as he would not be receiving financial gain due to this project passing.

Commissioner Lasley wanted to make sure this item was only approving the roadway.

Darrin Taylor of Carlton Fields came before the Commission representing the applicant.

**UPON MOTION BY COMMISSIONER BRIDGES – BRIGHT TO APPROVE OPTION ONE (RECOMMEND THAT THE BOARD APPROVE THE MIDWAY BUSINESS PARK PLATTING**

**AGREEMENT AND AUTHORIZE THE CHAIRPERSON TO SIGN SAID AGREEMENT) AND COMMISSIONER HENDERSON MADE THE SECOND. THE BOARD VOTED 7 – 0, BY VOICE VOTE TO APPROVE THIS ITEM.**

6. **MIDWAY BUSINESS PARK PRELIMINARY PLAT (Quasi-Judicial) (MSD – 2018-02) – Consideration of a preliminary plat application for the Midway Business Park Major Subdivision, Tax Parcel Identification #'s 4-16-1N-2W-0000-00140-0000, 4-16-1N-2W-0000,4-15-1N-2W-0000-00233-0000 & 4-15-1N-2W-0000-00233-0200 to create thirty – three (33) lots on 191.29 acres.**

Ms. Jeglie gave an overview of the project. She said this was for consideration of an application for preliminary plat of the Midway Business Park Subdivision described as Tax Parcel Identifications #4-16-1N-2W-0000-00140-0000, 4-16-1N-2W-0000-00140-0100, 4-15-1N-2W-0000-00233-0000 and #4-15-1N-2W-0000-00233-0200.

Anderson Columbia Co., Inc., represented by Edward Bass, P.E., Moore Bass Consulting, Inc., has submitted an application for a preliminary plat to subdivide the above referenced parcels, totaling 191.29 acres, into thirty –three (3) lots. The Midway Conceptual plan was approved with conditions on November 1, 2016. Several extensions have been granted to allow the applicant to address jurisdictional issues with Midway. The conceptual plan has been revised to incorporate conditions of approval and was signed on February 6, 2018.

Commissioner Nunamaker disclosed that he did work for Anderson – Columbia.

**Darrin Taylor**, 215 S. Munroe St, Tallahassee, FL, Anderson Columbia, he presented a letter and was in support of option 1. He said this may be one of the unique projects that they have seen. He said it is very suitable for that type business. He explained the DRI process. In 2001/02 they requested and received a preliminary plat approval. He said all the heavy lifting had been done 10 years ago.

Commissioner Nunamaker commented on Melvin Engineer, commented on any new requirements.

Mr. Taylor said he was unaware of any. He said the DRI DO is still in effect. He said it was a vested legal document.

Commissioner Lasley asked a question about the SIC codes (adopted in the DRI and referred to in the POA documents) in Attachment 3 and they were not there. She said it was important that they were included and it was changed from the original DRI.

Mr. Taylor said the 2001 DRI DO was specific. He said the SIC was printed with DO at that time. He said if it is a matter of changing the covenants by including copies. He said the preliminary plat does not modify the allowed land uses.

Ms. Jeglie said she would make a note, meet your concern if it lists the SIC Codes. Mrs. Lasley said she would like for the list to be added and be provided to staff.

Commissioner Bouie said it was only a preliminary application.

Commissioner Bridges -Bright asked if the other concerns were addressed. Mrs. Jeglie said they would have to provide the required plans.

Commissioner Lasley said according to laws, the 2016 application documents have expired. They requested a continuance and it was granted. She said she had a problem with receiving information the day of the meeting. She said she still would like the preliminary plat that fulfills all the data requirements and how could they approve it when it was not complete.

Chair Dixon commented that 10 years ago there was not a City, now there was. He asked if the proposal created 33 new businesses. His second question was that they were giving the City of Midway no notice, and what was now a problem with the road/traffic – trips on the already crowded road. “It doesn’t explain the potential capacity.”

Mr. Taylor said the development rights have been in place since 1987. He said that vested development in the DRI should have been considered. The rights that have been established are in effect.

Chair Dixon stated “you are asking me to ignore reality. “

Mr. Taylor said this was not a Land Use Change it was a Quasi-Judicial change and Midway has residential; it will provide jobs with the light industrial development.

Mr. Dixon commented that he was there with 10-90 and that statement has no bearing on him.

Commissioner Lasley commented that the infrastructure for the project was in place. Mr. Taylor said all the roads were in place.

Elva Peppers, Florida Environmental and Land Services, Inc. commented that Midway had the opportunity to weigh in on the plat. She said the land use to the south was also industrial and they use M1. The City already approved getting more business in Midway speaking on the project she represents before the City of Midway.

Commissioner Bridges - Bright asked to hear from the County Attorney. She asked with the subsequent development, where was the law on the substantial change.

Attorney Weiss said they were deciding whether the plat proposed should go forward. It was a legal right to the investment.

Commissioner Nunamaker said it was a good project. They were here to look at the plat and the application has not been brought up to Code requirements. He asked why it had not been done. He would like criteria up to part.

***Commissioner Lasley recommended denial and review project and the addition of the SIC Codes plus she would like it resubmitted with updated plat map and all other items addressed. It was seconded by Commissioner Bridges - Bright.***

Commissioner Nunamaker asked if there was a list of what was missing with the plat. Ms. Jeglie referenced the list of deficiencies listed in findings on page 4 and conditions of approval in Option 1. She said they also could continue this item to allow them to address.

Mr. Taylor said they would not like a continuance. He said their position was that this could be cleaned up. He said they have addressed some and others they were working on.

Commissioner Nunamaker stated they should already have the updated plats.

Commissioner Bouie asked for a point of clarity, was he given the opportunity to clean the concerns up before tonight.

Mr. Taylor said when they received the comments; the one issue that was of substance was the habitat issue. He said it was necessary to clean that up. He said that Moore – Bass can't certify work that was done by Melvin Engineering that all those plans had been in the County archives and that they were fine with making copies of them and including them into the plat. He said it just a matter of copying them and putting them in the document.

Commissioner Nunamaker said some of these items can be handled in house.

Ms. Jeglie said staff cannot waive the requirement that the engineer provide signed and sealed documents. "I am not comfortable." "You as a Commission can waive." She said it should be shown on the plans and they should have a complete application to review.

***Commissioner Bouie called the question. The motion was carried.***

**UPON MOTION BY COMMISSIONER LASLEY AND SECOND BY COMMISSIONER BRIDGES – BRIGHT, THE COMMISSION VOTED 7 – 0, FOR DENIAL BASED ON THE LACK OF A COMPLETED APPLICATION, BASED ON OPTION 2.**

**7. TALQUIN ELECTRIC COOPERATIVE SOLAR POWER GENERATION FACILITIES (FARMS) (Discussion) – Talquin Electrical Cooperative has requested a discussion of proposed Solar Power Generation Facilities located on existing substation properties.**

Ms. Jeglie gave an update on Talquin Electric Cooperative. She expressed this was only for discussion.

Matt Gibson, Engineer for the Talquin Electric Cooperative, went over plans for Gadsden County. He said they have 3 sites. Point Milligan Site – Rural Residential he said they would have to clear the tree and less than 5 acres. He said it would be a large field of panels. Ag Zones said the size. The second problem is the buffers in 50 to 100 feet. He said they wanted to work out something that everyone could benefit. He said they want to offer something that makes sense. He asked how they should move forward.

Commissioner Lasley asked what kind of buffer, she asked about a fence. Mr. Gibson said whatever they suggested, it just couldn't be tall and that they were open to suggestions.

Mr. Gibson said they were trying to purchase a power agreement and they would have another company. He said they were looking to mirror Tallahassee.

Discussion followed among the board.

Commissioner Bouie said she had concerns and shared with the Commission. She asked could other companies come in and open up other solar farm businesses.

Attorney Weiss said it had to be a substantial benefit to recuse yourself.

Chair Dixon commented on direct benefit. Commissioner Lasley asked would they need to create a public energy land use. Attorney Weiss said they already had this category.

Mr. Gibson said he would inform them when the Liberty site was up and running.

**8. CITIZEN'S BILL OF RIGHTS (Legislative) (LDR-2018-01) – Consideration of amendments Section 7001.1, Citizen's Growth Management and Planning Bill of Rights' and the relocation of Section 70001.1 to Chapter 1 of the Land Development Code.**

Allara Gutcher presented item 8 to the Commission. She said consideration of an amendment of Chapter 7 of the Land Development Code regarding the Citizen's Growth Management and Planning Bill of Rights with a recommendation to the BOCC and moving the subsection to Chapter 1, Administration and Enforcement. She said the primary reason for the Citizen Bill of Rights Meeting was to address the Future Land Use Map Amendments. She said it was the first step normally in the development of a property if they were changing the designation from one to another so it reduced the requirement for variances, subdivisions, land development reviews, special exceptions and major subdivisions in Gadsden County. The change to go to a just Future Map Use Amendment was to the argument to change the functional use of the property. She sent over some of the histories in the packet. She said these proposed changes represent the original intent of the Growth Management and Citizen's Bill of Rights to include variances and special exceptions based on the history she has knowledge of. She said a few years ago they all heard this and agreed to abolish it all together. It then went to the Board of County Commissioners where they decided to have a workshop and the item stalled and never went anywhere after that. She

said now the item was back before them and she was hearing directions from the Board to streamline the permitting process in Gadsden County to make it more economically friendly and this would help eliminate some of the timelines in the process to get a development. She said the recommended request is to eliminate the supermajority vote so that it would be the regular majority vote of the County Commission to change a Comprehensive Plan Amendment and it gives clearer direction how the process operates.

Chair Dixon asked was that in option 2, the recommended option.

Mrs. Gutcher read into record option 2.

Commissioner Nunamaker asked questions on the supermajority vote. Chair Dixon explained that it was a vote of 4 out of 5.

Commissioner Lasley commented that on the Jan 15, BOCC asked for a workshop to go over revisions that needed to be done. She said she would like to see language retained on variances and special exceptions with Citizen Bill of Rights and in addition to small land use amendments and would like to continue with public notice. She said she was in favor of supermajority vote staying in place.

Mrs. Gutcher replied that she was not aware of that and she was only following what had been discussed.

More discussion followed among the Commission.

### **Public Comment**

**Kathie Grow**, 465 John Yawn Place, Havana, said she was to speak, but yielded and said she was in agreement with all Marion Lasley had said. She said she was in favor of the supermajority vote staying in place.

***Commissioner Lasley motioned to include in the 1<sup>st</sup> paragraph of the redline variances and special expectations and due to there being no second the motion failed.***

***Commissioner Bridges - Bright moved Option 2 it was seconded by Commissioner Bouie.***

Commissioner Lasley asked about the timing of the meetings and having them meet before the meeting when the developer has met with the Planning Board. Mrs. Gutcher said that is the way the process was written, the intent was to make them aware of the plans of the land developer.

**The question was called by Commissioner Davis.**

Commissioner Nunamaker asked could he give a second to Commissioner Lasley's motion. Chair Dixon commented that the question had been called. Commissioner Bouie asked that they carry the motion on the floor.

UPON MOTION BY COMMISSIONER BRIDGES – BRIGHT AND SECOND BY COMMISSIONER BOUIE, THE COMMISSION VOTED 5 – 2, TO APPROVE OPTION 2 – RECOMMEND THAT THE BOCC AMEND SECTION 7001.1 OF THE LAND DEVELOPMENT CODE, AND MOVE TO A NEW SECTION IN CHAPTER 1 (SUBSECTION 1700) AND FIND THAT THE PROPOSAL IS CONSISTENT WITH THE COMPREHENSIVE PLAN.(COMMISSIONER LASLEY AND COMMISSIONER NUNAMAKER OPPOSED THE MOTION).

~~9. LEGISLATIVE HEARING PROCEDURES (Legislative) (LDR-2018-02) – Consideration of amendments to Subsection 1302, Legislative Hearing Procedures of the Land Development Code. (This item was pulled from the agenda).~~

**GENERAL BUSINESS**

6. PUBLIC COMMENTS – There was no additional public comments.
7. DIRECTOR'S COMMENTS – Ms. Jeglie said to the Commission that they will have full review next month.

**8. ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR DIXON DECLARED THE MEETING ADJOURNED AT 8:04 P.M.

GADSDEN COUNTY, FLORIDA

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EDWARD DIXON, CHAIR

ATTEST:

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NICHOLAS THOMAS, CLERK