

GADSDEN COUNTY PLANNING COMMISSION

Thursday, October 17, 2019

6:00 p.m.

Board of County Commissioners Chambers
1B East Jefferson Street
Quincy, Florida 32351

Present: Libby Henderson District 3
Marion Lasley, District 5
Doug Nunamaker District 3
Lorie Bouie, District 5
William Chukes District 1
Steve Scott, School Board Representative
Tracey Stallworth, District 2

Absent: Regina Davis, At Large
Antwon McNeill

Staff Present: David Weiss, County Attorney
Suzanne Lex, Growth Management Director
Jill Jeglie, Senior Planner
Muriel Straughn, Deputy Clerk

1. **With a quorum present the Pledge of Allegiance was led by Vice Chair Henderson.**
2. **Introduction of Members and Roll Call**
Roll call was taken by Deputy Clerk Muriel Straughn.
3. Vice Chair Henderson told the public that if they wished to address the Board, there were Speaker Request Forms out front that would need to be filled out, but there was a change in the Agenda. She stated that Agenda Item #7 application had been withdrawn but the applicant would like to address the Commission on the nature of the withdrawal.

Allara Mills-Gutcher, The Planning Collaborative, appeared before the Board. She stated that she had submitted a letter to the Staff withdrawing the application. She thanked all involved for their time and consideration and said they were looking for other sites that may be more appropriate than Gadsden County.

Ms. Henderson asked with the modification to the agenda item #7 being withdrawn if there was a motion to approve the Agenda.

MS. LASLEY MADE THE MOTION TO APPROVE THE AGENDA AND SECOND WAS MADE BY MR. SCOTT, THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

4. Vice Chair Henderson asked the Planning Commissioners if there were any Disclosures and Declaration of Conflict.

Mr. Nunamaker stated he had done survey work for Ms. Johnson in the past, but not on that project. Ms. Henderson said she believed that since there was no financial interest in the project moving forward, that it was fine.

5. **PUBLIC HEARING: 1604 FLAT CREEK ROAD, VRASHA, INC. (SSPA 2019-02)**

Ms. Lex explained that this item was a Small Scale Future Land Use Map amendment request to change the land use designation from Agriculture 3 to the Neighborhood Commercial for a 1.85 acre parcel located at 1604 Flat Creek Road, Chattahoochee, FL (Tax Parcel ID#2-34-3N-6W-0000-00143-0100). She further stated that there was currently a store with gasoline pumps and this request was to expand the existing convenience store. She explained there were no wetlands, it was not in a flood zone and did have private water, private well, septic, and electric was provided by Talquin.

She explained that the proposed change was from Agricultural 3 to neighborhood commercial and was consistent with requirements of minimum of one acre and a maximum of three acres. The maximum amount of footage was five thousand square feet. It was currently about one thousand five hundred square feet and they anticipated it being no larger than three thousand square feet when they expand.

She explained that the convenience store with gas pumps was a legal non-conforming use. The intent of the neighborhood commercial future land use category was to provide areas for limited commercial activities to serve the daily needs, allowable uses include convenience store, but should be noted the property was off Interstate 10 so it would serve people in Gadsden County as well as people traveling the Interstate.

She explained that access was eight hundred feet south from I-10 that would be accessed from Flat Creek Road which was a paved county roadway that was designated as a minor rural collector. She continued saying there were no historical resources or archaeological resources on site and The Department of State had confirmed that. The property does not contain any floodways or wetlands and the project would comply with the level of service requirements. There were no mapped neighborhood commercial district properties in Gadsden County. The nearest commercial was a half mile southeast on Flat Creek Road. Adjacent land use designations were agriculture and timber.

The proposed land use category does not support residential development. Future development plans included improving the existing structure while continuing to operate as a retail gas station, preserving the neighborhood character.

She continued to say that during the CBOR Meeting, there were no attendees with exception of the property owner. She stated that under a Legislative process the planning commission shall review the plan amendment and make recommendations to the governing body as to the consistency of the proposal and analysis of the Amendment was required pursuant to Florida Statutes. All requirements were met.

Ms. Lex then asked if there were any questions she could answer.

Options:

1. Recommend approval of the 1604 Flat Creek Rd. (Vrasha, Inc.) (SSPA-2019-02) Small Scale Comprehensive Plan Future Land Use Map Amendment from the Agriculture 3 to the Neighborhood Commercial Future Land Use category.
2. Recommend Denial of the 1604 Flat Creek Rd. (Vrasha, Inc.) (SSPA-2019-02) Small Scale Comprehensive Plan Future Land Use Map Amendment from the Agriculture 3 to the Neighborhood Commercial Future Land Use category.
3. Planning Commission Discretion.

Staff Recommendation: Option 1

Mr. Nunamaker asked if there were any citizens present that opposed this project. Mrs. Lex answered none that were brought to her attention.

Ms. Lasley asked if there were existing gasoline pumps and Ms. Lex answered yes, about a half dozen.

Ms. Lasley then asked if they decide to re-do the gasoline pumps, would it be inspected by the State and Ms. Lex responded yes. They would be subject to other regulations of the Environmental Protection.

Vice Chair Henderson asked if there was anyone on behalf of the applicant that wanted to speak and there was no response.

WITH A MOTION MADE BY MR. NUNAMAKER TO APPROVE STAFF RECOMENDATION OF OPTION 1 WITH A SECOND BY MS. BOUIE, THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

6. **2434 Kemp Road, Lillian Thompson-Johnson (SSPA 2019-03)**

Ms. Lex said this was a Consideration of a Comprehensive Plan Small Scale Future Land Use Map amendment to change the future land use designation from Agriculture 1 to Public/Institutional for a 7.72 acre parcel located at 2434 Kemp Road, Havana, FL (Tax Parcel ID #2-25-3N-2W-0000-00440-0100). Ms. Lex stated the owner; Ms. Lillian Thompson-Johnson, applied for a Future Land Use Amendment to allow a school, The HLC Academy, to open on the subject property. The application proposes changing the FLUM designation to Public Institutional. If the amendment was approved the applicant would then submit for a site plan, special exception use and building permit approval to open a school in the existing 4,266 square foot dwelling unit.

Ms. Lex said following this process, it would go to the Board but there would also be future reviews that would take place through the site plans special exception and with the building permit to bring the dwelling unit into compliance. She continued, that it was currently used for residential purposes and was being purposed as a private school as the new use, there were no wetlands and was not in a flood zone. The current facilities on site were a septic

system, which was recently permitted, upgraded and approved by the Department of Health to accommodate issues. There was a private well and electric was provided by Talquin. Ms. Lex said the intent of Agriculture 1 was to provide areas of Agriculture activities and residential uses associated with agriculture activities and it did not allow for schools. The intent of Public/Institutional future land use, per policy, was to provide areas for civic and community uses which included educational facilities. There were 2,727 acres designated public, less than 1% of the entire County's future land use. The surrounding community character was Agricultural with a dwelling unit to the north and a dwelling unit to the west and the Agricultural 2 to the east was a hunting club. She stated it was called a club house but it was basically a hunting club with storage. The access to the property was provided from the south side of Kemp Road, a paved county road, designated as a minor collector, Rural. There were no historical resources on the property nor were there any listing on the National Register of Historical Places. She further stated when talking about the Applicable Comprehensive Plan Objectives and Policies that the Public/Institutional Use, intent was to provide areas for civic and community uses, including schools. The subject parcel was located 1.04 miles east of the Public designated Havana Middle School and the County owned a 20 plus acre parcel that was vacant and designated public less than ¼ mile north of the subject property. Development shall be restricted from areas that had severe site limitations due to existing floodways. The southeastern boundary of the site included an area located within floodway. Ms. Lex said the Development would be required to be located outside of the required 50' natural area. Developments shall only be approved when level of service standards meet or exceed this development or comply with this requirement, sanitary sewer, solid waste, recreational facilities were not applicable. The next policy was an environmental policy that any applicant for a Future Land Use Map amendment shall at minimum supply the following information to the County when requesting such Map amendment; A location and amount of jurisdictional wetlands. She stated there was a little more than ¼ of an acre of flood plain which was 3.5% of the subject parcel on the extreme south of the property. With this small area of wetlands there would be required a site plan review of 50' setback from that. Talquin Electric provided the electrical service, there was a well and the septic that had been upgraded to serve the proposed use. She continued saying the access would be taken from Kemp Road, that driveway would require some upgrades to meet the Land Development Code standards and that would be done as part of the permitting process. Land use categories, which support residential development, surround it. When explaining Policy 1.2.16, Ms. Lex stated there would be another public process that would be gone through again where there would be a CBOR. The Residential Development was not an allowed use in the Proposed Institutional except as an accessory to the Public Institutional but they did not plan to have any Accessory Residential on this property, it would be only for the school. Policy 1.4.1 spoke about compatibility to Rural Residential on the Future Land Use Map. Ms. Lex stated this property was not adjacent to any Rural Residential and was located ½ mile to the west of any Rural Residential and would possibly serve the needs of local community and Rural Residential. Neighborhood character shall be preserved and promoted by working toward maintaining compatibility. The adjacent uses were Agricultural with Residential. The property would be required to have buffers, when they came in from the site plan, which would provide for the buffer to the adjacent land uses. The proposed school would be approximately 55' from the western property boundary, which was also owned by Ms. Lillian Thompson-Johnson, and was her principal residence. It would be 200' from the western

property line that was timber, 455' from Kemp Road and 335' from the wetlands. This subject property use would be located at a significant distance from any of the surrounding land uses. Ms. Lex continued with Policy 2.2.3, explaining it spoke about the adopted level of service for Kemp Road, a minor collector, Rural A, was LOSD. She explained there was no data for this road in terms of the current level service and the amount of trips generated on that roadway. The road could hold 1,100 trips that were the average annual daily trips for the roadway segment that was east of there. She stated they had reached out to both Public Works Department and FDOT to see if they had any knowledge of any deficiencies that would occur because of this proposed development and they did not. She said Policy 5.3.4 was to consider the impact to the functionality to the adjacent and onsite wetlands. She said this had been addressed and there would be a 50' setback from said wetlands and the proposed use would be almost 300' from the wetlands and would be addressed at site plan. There would be a 50' natural buffer area and 100' from the septic system. Setbacks were required and it met that requirement. Ms. Lex said there was a CBOR meeting held on August 6, 2019. Six attendees came and provided letters of support. Notices were mailed 30 days prior to the public hearing, a legal advertisement was placed in the local newspaper and a sign was placed on the property. No objections were raised.

Ms. Lex said the Planning Commission's role was to review the proposed comprehensive plan amendment, make recommendations to the governing body as to the compatibility with the surrounding area and consistency of the proposal with the adopted comprehensive plan or element and an analysis of the amendment as required. She explained that staff had been working with the property owner to move this along.

Ms. Lex stated that staff recommended Option Number 1 and asked if there were any questions.

Mr. Scott asked if the school was operating now.

Ms. Lex answered yes, but not at this location. A space was being rented where the school is being operated. Ms. Lax stated that they started working with Ms. Thompson in June in hopes of opening this school year. It was explained to Ms. Thompson what it would take to open a school at this site and what needed to be done and she decided to pursue that and it would still be a few months before that school could even open on that location. The Department of Education had permitted the school at the current location.

Ms. Lasley stated that the property in question had been split into two lots and wondered if this was part of the family exemption split.

Ms. Lex answered that it was a lot split because of the current Residential Property she needed to have, she had actually tried to subdivide the property previously but did not leave enough acreage to have the other Residential Use conforming so she came back in and did the lot splits so that other Residential Use had enough acreage to support the one dwelling unit. With this she would not have enough land to support a Residential dwelling unit but her intent was to request this application to turn into Public Institutional.

Ms. Lasley asked if anyone could do this to their property and Ms. Lex answered yes, if you had enough density. But if you went over a certain number of units, you would go past being a Minor Subdivision and go into a Major Subdivision.

Ms. Lasley asked if there was a home on the lots.

Ms. Lex said there was a 4,266 square foot residential property and another house on the other property that was her residence.

Mr. Nunamaker interjected telling Ms. Lasley that it was Ag 1.

Ms. Lasley said she was making sure it was not a family exemption split because that had to be homesteaded.

Ms. Lasley also asked if the school was planned to be in the 4,266 square foot structure.

Ms. Lex said it was, and that would be part of the site plan and the building permit, she would have to come through for a complete change of occupancy approval for the use of that building. Ms. Thompson would have to bring that building up to Code to meet the standards for Educational Facility under the Florida Building Code.

Ms. Lasley asked if Talquin water was somewhere close.

Ms. Lex said they were currently using a well and could not answer about how close any potable water would be.

Ms. Lasley noted she read it was $\frac{1}{4}$ of a mile.

Ms. Bouie said the agenda stated in three different places that it was well and septic.

Ms. Lasley said yes, But if there was water there she would suggest she looked into it and see about hooking it up, especially to be able to service a school.

Ms. Lex responded, If it was within the $\frac{1}{2}$ mile they would, through the site plan process, require that.

Ms. Lasley stated that Gadsden County was not great about "knowing where all that stuff stands".

Ms. Lex responded that Talquin had been working hard to map their services so it was getting better.

Vice-Chair Henderson asked if any other Commissioners had questions or if there were any applicants that wanted to speak.

Mr. Chukes asked if Ms. Thompson-Johnson had gotten in touch with the Health Department on the septic tank and the well. Ms. Lex answered yes, the septic system had recently been

upgraded and permitted by the Department of Health to accommodate this facility and the existing well was permitted on site. She stated they would have to evaluate that to see and the Water Management District that would help evaluate that. The septic is compliant for this use. Ms. Johnson already had her sign-off that was required by the Department of Education. It was then required that the Planning Department sign off for consistency and they were not able to do so. This is why they have been working with Ms. Thompson. She explained they could not approve the school, but they did say there was a process that she could go through and this was one of the steps in the process.

Mr. Chukes asked what Ms. Lex was looking for tonight. Ms. Lex answered a recommendation of approval to the BOCC.

Mr. Nunamaker asked how many students would be at this facility.

Mr. Scott answered 24 and Ms. Lex agreed.

Ms. Lex said it was a small school and she anticipated there would not be a large amount of students. Once the occupancy change was gone through the building code would determine and limit the number of students that could be accommodated in that facility.

Mr. Scott asked if they could feel confident that the septic tank had been upgraded to accommodate 24 additional people.

Ms. Lex answered yes.

Mr. Nunamaker said if the septic tank could handle it there probably was not a problem with the well, but that was the next obvious step.

Ms. Lasley asked Ms. Lex what she could tell her about the hunting club that was next door.

Ms. Lex said she could not tell her anything and that it was brought to her attention through the evaluation of the Property Appraiser's website. It appeared to have no current use, but it had been designated as a clubhouse.

Ms. Lasley asked if there would be appropriate buffers.

Ms. Lex said this would be addressed in the site plan.

Mr. Scott asked if there was anyone at the meeting opposed to the project and there was no response.

Vice-Chair Henderson asked if anyone from the public would like to speak.

Elva Peppers with Florida Environmental Land Services representing Ms. Thompson-Johnson and the Academy spoke saying they appreciated the consideration of this. She said Ms.

Thompson-Johnson was present for the meeting as well as her contingency that were all in favor of this application. Ms. Peppers said Ms. Thomas had a lot of community support within the immediate area. She stated that on the well subject she had spoken directly to the Health Department and they had approved the well she had in place and it had been permitted for this use. Ms. Peppers asked if there were any more questions for her. Ms. Lasley asked her if she knew where Talquin water was nearby this property and Ms. Peppers said it was not within ½ mile and not close enough for them to just hook up.

Options:

Recommend approval of the 2434 Kemp Road, Havana (Lillian Thompson-Johnson (SSPA 2019-03) Small Scale Comprehensive Plan Future Land Use Map Amendment.

1. Recommend denial of the 2434 Kemp Road, Havana (Lillian Thompson-Johnson (SSPA 2019-03) Small Scale Comprehensive Plan Future Land Use Map Amendment.
2. Planning Commission Discretion

Vice-Chair Henderson said they had a Staff Recommendation for Option 1 and asked if there was a motion.

UPON MOTION BY MS. BOUIE TO APPROVE STAFF RECOMMENDATION FOR OPTION 1 AND A SECOND BY MR. CHUKES, THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

Vice-Chair Henderson thanked the public for coming to participate. She stated the system worked when they had public participation.

Mr. Nunamaker left the room at this juncture. Quorum was lost and business was suspended until his return moments later when Vice-Chair Henderson announced they again had a quorum and could move on.

7. ~~5411 Old Federal Road, Judy Keele (SSPA 2019 04)~~ — Consideration of a Comprehensive Plan Small Scale Future Land Use Map amendment to change the future land use designation from Agriculture 2 to the Commercial for a 5 acre parcel located at 5411 Old Federal Road, Quincy, FL (Tax Parcel ID #5-OL-OR-05-0000-481000100).

Application was withdrawn. Letter of withdrawal filed for the record. They would look for a more suitable location.

8. **Citizen's Growth Management and Planning Bill of Rights (LDR 2018-01)**
Consideration of an amendment to Section 7001.1.

Ms. Lex introduced the above item and stated this was the Citizens Growth Management and Planning Bill of Rights and moving it from Chapter 7 to Chapter 1, Administration and Enforcement of the Land Development Code. She stated she could not keep track of how many times this item had been heard on the County Commission level but at the last meeting there were issues with the material and the edits provided. The Board wanted this to go back to them, so it went to them, they remanded it back to the Planning Commission they wanted to hear the Planning Commission's recommendations and then it

would be put on the Agenda for the November 5th meeting. She did not think it was necessary to go back through as much of the background but did want to note that the item was taken to the BOCC. The Planning Commission had made a recommendation to eliminate the super majority in those provisions, the BOCC declined to vote, and they instead wanted to have a workshop. There were certain guidance provided to staff at that workshop and some were identified in this item. Ms. Lex said they wanted it stream lined and staff to be a little more involved in the beginning of the process. Ms. Lex added instead of a CBOR meeting she wanted to call it a Community Participation meeting because she felt they were trying to build a community. She had also included some staff involvement at the onset of the process. Ms. Lex continued to say the current version of the CBOR would require:

- a) Mandated Citizen Participation Plan. This would require notice to the property owners within ½ mile of the development site property boundaries. She said that this was retained; however staff was requesting it be changed to a Community Participation Meeting. She said they wanted to build a community here and she would like that to be the focus of the meeting. In addition to the newspaper ad and the mailing that was done by the applicant, staff would notice the subject property with a 2x2' sign, no less than 20 days prior to the meeting. People that live in that area would drive by the subject property, this would provide them notice and this was the same notice they provide for other plan amendments.
- b) Neighborhood Participation. Notification by the County Staff within 10 days of filing an application or proposal filed for comprehensive plan map amendment; requires a community meeting 30 days prior; requires a second community meeting 15 days prior to the amendment adoption hearing of a plan amendment after review by DCA.

(The timing of the second requirement in this subsection was not clear. Although staff was required to notify the neighborhood association of the filing within 10 days of the community meeting after filing with the County the community requirement was 30 days prior to "submittal to DCA" (now DEO) was confusing. Ms. Lex said trying to put this on a timeline and trying to follow when you have to do things, it was a burden and you could not move anything through the process in any timely fashion. She said they were looking to streamline this and her recommendation was that a community participation meeting and a conceptual review meeting with staff be almost concurrent. Take the concept to your neighbors, present what you want to do, bring your concept to the Planning Staff. County staff would be at the meeting, would note what occurs and then after the meeting take away what was heard if there were concerns, objections or support and then come in within 15 to not more than 90 days after the community participation meeting and submittal of the plan, submit the application. This would allow time to change the application and respond to any concerns that may have heard instead of submitting and formalizing and done all the work and then have to be reactive vs. proactive. She continued saying if an applicant wanted an extension for 30 days, 90 days was not enough, grant them an extension. The intent was to provide an option for the applicant to make changes in response to community input and to reflect those changes in the formal application submittal. At a minimum, two more public meetings would occur which would afford the opportunity for additional community input. She said she would like to have projects built where they work together and allow the process of the Planning Commission and BOCC Meetings be the other avenue for citizen participation.

Mr. Nunamaker asked if the additional neighborhood meetings would be advertised in newspaper and with signs.

Ms. Lex said no, the additional meetings were the Planning Commission and BOCC Meetings, and there would be two more meetings for public input. She stated she wanted to work through the process they have. There is a Commission, Board and BOCC; the citizens needed to participate in that process as well and that was what they wanted to encourage was staff being at that meeting. This would be one of the points they hand out is that this was where you would find it; they would place the information on the website and keep the information available to the public that way. Staff can make no comment at that meeting, they had no role in that meeting other than to observe. They must remain objective, they do not have an application but would provide information on what to expect and how to continue to participate. That was the message she wanted to get across.

Ms. Bouie asked how the work here was similar to the Florida Statutes and what would be the purpose of staff attending the meeting if they could make no comment.

Ms. Lex said that part of the Community Participation Meeting was not a part of the Florida Statutes. They would be looking at the applicable 163 requirements for the Future Land Use Map Amendments to go through the Planning Commission and to the BOCC in small scale, it was one time only, large scale, it comes back. The purpose of the staff being present was BOCC wanted staff involved; it was good for staff to be there and observe. She said the language reads that the issue shall be the focus of the review that takes place. That should not be the focus that should be a component. The focus of the review should be does it meet the requirements of the Comprehensive Plan. She said the language was not consistent with what the Statute (Fl. Ch.163, part 2) required.

Mr. Chukes stepped out at 7:34 p.m. losing the quorum.

Mr. Chukes returned at 7:36 p.m. a quorum was again present.

- c) Seven Day "Cooling Off" Period- Plan amendments cannot be changed in 7 business days prior to the advertised public hearing. If revised within this period, then the hearing must be rescheduled.

She explained they advertise the public meeting in advance and would not let an applicant change a project. It had been advertised and changes could not be made. If the applicant wanted to make changes they could come before the appropriate governing body and present the changes to them and ask them to consider those changes. She explained that "If revised within this period, then the hearing must be rescheduled." She said that would happen whether this was put in or not. Most applicants did not want to waste their money to withdraw and then change things and then come back again and have it re-noticed. She stated tonight was an example of that. They kept in communication with the applicant, they were aware of the communities' concerns, they had requested that the staff consider moving the item out and she told them, it had already been noticed, it was already out there, nothing would change, it would go to the Board and any action that took place would take place in front of the Commission and then in front of the Board. Ms. Lex recommended that this

requirement be deleted.

- d) Super-majority vote-required for all comprehensive plan amendments, major land development reviews, variances, special exceptions, major site plans and major subdivision(s). A super majority vote is also required for amendment of this section.

She said she had heard, loud and clear from the BOCC that they wanted this retained. She left the requirement for all Comprehensive Plan Amendments, Major Development Reviews, Variances, Special Exceptions, Major Site Plans and Major Subdivisions. A super majority vote was also required for amendment of this section to change the CBOR. She recommended that they retain the super majority requirement for Comprehensive Plan Amendments, Major Subdivisions, which was more than 5 lots, and Special Exception Uses. They were currently in the process developing zoning categories. In that zoning category they had discussed levels of review, and special exceptions would be identified within those zoning categories. When there was zoning that would determine whether or not they needed to go through another special exception when they try to apply the zoning to that property. They will have to go through the special exception to change the future land use map. Once the map is changed, the zoning map will show the uses, so when they come in to apply to change the zoning map, whether they were going to build on the land was when it would go to the CBOR.

Ms. Lasley asked if she was correct saying, for example, Hoover Wood plant that was put in on (Highway) 27 that was a site plan. It was not a subdivision it was one use on 65 acres.

Ms. Lex answered that she was not she was not here for that.

Ms. Lasley asked her if she was aware of it.

Ms. Lex stated she was aware of the wood plant but not aware of any processes that took place for it.

Ms. Lasley said historically, a major site plan has been a Commercial/Industrial type application on the property that was nonresidential so it was basically a nonresidential development and that was not included in this and those were the ones that had the most impact on the surrounding area and that needed to be included.

Ms. Lex said instead of doing the site plan process, when you create zoning for Industrial, she recommended they go to the thresholds of size, If you were coming in and building an Industrial warehouse, for example, they were less than 10,000 square feet.

Ms. Lasley interjected saying, you were just going to approve it in house and nobody would be able to have input into it.

Ms. Lex answered for a 10,000 square foot warehouse, yes that would be very appropriate for industrial use. One you hit thresholds in size that should be where it dictated the impact. We need to allow people to come in and build things as of right. We need to set up certain levels of review that go the Development Review Committee and the Planning Commission for

approval and then the levels that were greater that need to go through community participation, Planning Commission and BOCC and they were subject to the Super Majority. Use our zoning as a tool and once the use was approved the site plan was a part of your Land Development Regulations.

Ms. Bouie said her concern was that it becomes speculative and required an applicant to speculate on the possibility of being approved because there were no spenders. She told Ms. Lex that she understood her saying a number of things that could happen, the levels of review, the thresholds, recommendations, but none of them were in place in writing anywhere for them to be a have a super majority rule based on contingencies that there are no standards outlined, was unreasonable. If they were to go to court and a judge was to have to mediate and decide on this, she thought his decision would be based on reasonableness or the ability for a person to accomplish the task and there was no task because this county does not have standards. She said she did not mind consideration of fairness based on the super majority, although she did have problems with it because we were a small county with an odd number of seats. Then you have the possibility of an oppressor being able to oppress a small county. Her concern was, without considering that, the County had no standards to base the use of a super majority there was no reasonable expectation for an applicant to use, there were no standards for them to go by. As a resident of Gadsden County she would not apply for a business and would not consider it because the decisions would be weighed upon personal discretion rather than being able to go down and look at a list of standards that could be accomplished.

Ms. Lex replied the major site plan component that was in place right now, she believed that they needed to not go for the site plan but they needed to look at what the level of the use was.

Ms. Bouie said that Ms. Lex was still saying "I believe" and that leads her to conclude there were no standards.

Ms. Lex stressed that they were working on them.

Ms. Bouie said she had been asking for standards since she had been there and even before she was on the Planning Commission she came with other citizens trying to get businesses in and they had to drop projects that were bidding \$200,000 because the County would continue to send them back with things that were not done. She said it was unreasonable to hide behind the super majority when there were no standards, a person could do everything the County asked and still not get approved. She believed the supermajority was beyond explanation. All of this should be a part of something else other than a CBOR. She looked at two other counties that had a CBOR and it was a one page document. She did not think that tonight was a fair opportunity for the Committee to make reasonable and intelligent recommendations. She said citizens have rights and she was looking at the Florida Statutes and if citizens were already protected by State Statutes and why where they creating documents that would further confuse the applicants and not give the applicants or the citizens an outline of what they needed to do to get something passed. She stated that their job as Commissioners was to make certain that they were reviewing and that it complied with

County and State Regulations and there were no standards for them to make that judgment decision on. She stated she was willing to volunteer to a certain extent...

Ms. Lex agreed that without having the zoning categories in place and having to find what the special exception uses were that then the major site plan would be retained. She felt a lot of money went into a major site plan vs. an application in zoning where there were certain uses that were as of right. She stated she could come in and build 2500 square feet in a commercial district for retail purposes, for an office or a medical facility and she should be able to know, as of right, what she could do. Then there would be the next threshold where it was conditional use and it minor and it goes before review committee and your Planning Commission. Then you should have the next one which was the major and you look at the uses and determine which would require a special exception CBOR. The staff had not defined the standards and they were trying to. They had no zoning and if they had zoning with standards they would know where they were.

Ms. Bouie said she thought it was a problem to confuse the CBOR with Regulations; it should not be one in the same document.

Ms. Lasley stated this was created to give the public the opportunity to have a voice before the projects were created to know what was going on next to them in their neighborhood that they would have to pass by every day.

Ms. Bouie said the State of Florida allows for that but Gadsden County was confusing this with combining other stipulations and regulations and rules that should not be a part of that. It could be accomplished in a one page document. We want to protect the citizens, while as abiding for review; we want to make certain that applicants comply. It should be two separate issues. Stipulations, Regulations or the voting procedures should not be a part of the CBOR. The document did not disclose to any of them. They had only two chapters being reviewed. She believes there was too much in the CBOR and was not saying some things because she loves Gadsden County but if she had to get to that point, she would say things. She understood all of it but 20 years from now people would need standards in writing.

Vice Chair Henderson said she was making sure she understood Ms. Bouie's point. Addressing Attachment 3, Chapter 7, she understood Ms. Bouie's thought was that the CBOR should have A and B in it but not C and D.

Ms. Bouie said pretty much and some more could offer protection for the citizens in A and B. She also thought there were some things that could go in that were not. She added that she felt A and B did not do enough to protect the citizens.

Ms. Lasley said the reason it all came up again and the reason it was approved at the time 5-0 on the BOCC, a lot of really big land use changes occurred for Rural Residential in tremendously inappropriate places and they were in the Stipulated Agreement, they had all these conditions that were on them that were in Chapter 5 her point was one of them was half of the property was in wetlands and it was zoned Rural Residential.

Ms. Lex stated that they do not having zoning, they had a future land use map.

Ms. Lasley stated all these things were created and voted on by a 3-2 vote by the BOCC and they were all very bad planning decisions and they were spotty and there was yellow (referring to the County map) all over the County. Those things were created with no infrastructure and no libraries, no nothing like that. That was the reason for the super majority, and in her opinion, if there was a good project, like the school, if you had something the Planning Board could agree on and support 7-0, then obviously it was not a problem and it would be good for the County. But if there were controversial factors in there, the public would be impacted to be able to go and have two or three meetings of giving their input into why they were dissatisfied with the project.

Ms. Bouie answered that was allowed with Florida State Laws and in the past there were other really bad decisions that, she thought, were made. She stated there was a Democratic System that was elected and they had to participate at all times. She stated she was not pleased with decisions when people were elected and did not like the electoral college, but that was the system we were in and we had to be afforded the opportunity to educate and not always mandate by imposing an oppressive system. She further stated the super majority was a system that was created by the Legislature in systems where decisions have to be made where there were considerations that had to be given and had to be brought forth and had to be weighed when that system was used. It was not a system created to be used on every decision and that was her strongest opposition against the super majority. She said use it but they should have the standards of when it was used and should not be a blanketed decision for anything coming into the County and by the same token, she said that it was easy to pay two people to oppose something and she said she saw good things passed over in the County, i.e., BMW, Budweiser and was told Walt Disney World, Family Dollar Distribution Center, Campbell Soup Company, all were voted out in the County. She said she would rather see a system where it brought the Commissioners to the table and forced them to negotiate and have a company to do things that would not offend this County, rather than say across the board, we would not pass you. Her concern was a person could still do everything that the County required and there was no guarantee it would be passed with the super majority.

Ms. Lex said that was correct and as long as there was only a Future Land Use map and no zoning and you wanted to hand someone a document that said if someone changed their property to Neighborhood Commercial they could build, as a right, X amount of square footage, period. They should be able to do that. There should be standards that govern the buffering and the access. She added they would not know before you come into the site plan whether or not it would actually be approved. There should be levels of as of right development that they were granted on their property just the same way they were granted in, for example Ag 1. The super majority would always apply as long as you had it apply to the Future Land Use map.

Ms. Bouie asked if Gadsden County was the only County to use super majority.

Ms. Lasley answered that there was a whole page of counties that use super majority.

Mr. Scott asked why they were still arguing about the fairness of the super majority when it was something, as a Planning Commission, was out of their hands. The BOCC had already stated their position on that matter.

Ms. Bouie stated she did not agree. She noted that she attended the BOCC meeting and what she heard was they would use the super majority conditionally and there were exceptions and the Planning Commission were to make their recommendations. She did not believe the Planning Commission had enough information. She requested to see the entire document and wanted the Planning Commission to be able to intelligently make a recommendation on how to use the super majority. She said one of the exceptions that one of the Commissioners brought forth was for the family exception.

Ms. Lex said that was not applicable at all.

Ms. Lasley asked to get the minutes from that BOCC Meeting and include it in the packet next time so they could all read what the BOCC said about the project and they could address the things.

Ms. Lex asked if the Planning Commission wanted to have a workshop with both groups and come up with a recommendation that was a joint recommendation from both parties and added that type of meeting had not been done yet.

Vice Chair Henderson responded if it was possible to get the BOCC and the Planning Commission in the same room.

Ms. Lex stated she was trying to find a compromise between participation and informing the public and the needed to move forward with zoning so people would know what they could do with their property.

Mr. Chukes asked what the super majority was put in place to do.

Ms. Lex answered that it was to insure that the public was informed at the very onset of a project and to also insure at the end when it went before the board that there would not be an un-weighted vote and that a majority of four Commissioners approved it.

Mr. Chukes questioned if it was to "keep certain items out and put certain items in."

Ms. Lex answered she could not say that was correct.

Vice Chair Henderson said it was put in place to make it harder to pass changes and Ms. Lex agreed.

Mr. Chukes said he understood both points but wondered who the super majority would hurt.

Ms. Lex said it would hurt the people and the developers. It would hurt the people who wanted to come in and consider developing. It could hurt Gadsden County and it could help

Gadsden County by preventing bad development and support good development.

Ms. Lasley said it could support good development and that was the focus, if it was a good project, there would not be a problem getting the four votes. Mr. Lex said she wanted to bring to them the last project that went before the super majority and it was the mining. A person owned a piece of land that was Agricultural, had been given mining rights 30 years ago and was given mining rights for another 25 years. They wanted to bring that property into compliance because there was not a Mining category when they first started; they were in compliance when they first started. They requested to change their Land Use Map to Mining so it would reflect the use. They could mine whether or not they requested the change. One citizen complained they were mining in a new area. She said there was no better reason to do it but to inform the public.

Ms. Lasley said it was a non-conforming use and Ms. Lex said it was not non-confirming; it was conforming when it started because the regulations allowed it at that time. Ms. Lasley said it was still non-conforming use on the use. Ms. Lex said they made it non-conforming when they did not make it mining when the use was in place when they adopted the Future Land Use Map. Ms. Bouie asked if that was an oversight of the County and Ms. Lex said it was. Vice Chair Henderson said you could not take an existing property use that someone has at the time you adopted the Future Land Use Map, for instance, the convenience store that was before them earlier. It should have had a commercial spot there because that would have reflected a current use at the time the Future Land Use Map was developed. Ms. Lex said the mining person came before the Board, there were four members only, and they recommended approval to DEO. It came back before them, three said yes and one said no. After this person did all this work and could still mine, they have not served the public by putting it in the map. People that come to buy property do not know that is taking place there. Ms. Lex added she felt that was one instance where the super majority really hurt the business owner who was trying to do the right thing. Vice Chair Henderson said the one it hurt was the public because the map did not reflect the actual usage.

Vice Chair Henderson asked if a super majority would be needed if the Planning Commission recommended switching to a Zoning system and Ms. Lex said yes.

Vice Chair Henderson asked if they switched to a system of zoning rather than using the Future Land Use Map, would that not have to be in the Comprehensive Plan.

Ms. Lex stated that they were out of compliance and had been for 30 years. They were mandated to put zoning in place within one year of any change to the Comprehensive Plan and that had not been done.

Examples were given and more discussion was continued about the CBOR, and Super Majority.

Options:

1. Recommend to the BOCC to adopt Ordinance 2018-018 amending Chapters 1 & 7 of the Land Development Code.

2. Recommend to BOCC to not adopt the Ordinance 2018-018 amending Chapters 1 & 7 of the Land Development Code.
3. Board direction.

UPON MOTION OF MS. BOUIE TO HAVE THE STAFF WORK IT UP AND HAVE A WORKSHOP WITH BOCC AND A SECOND BY MR. STALLWORTH. VICE CHAIR HENDERSON SAID THEY WOULD HEAR FROM THE PUBLIC BEFORE TAKING A VOTE.

Don Stewart of 102 Timber Run addressed the board with his concerns for Zoning, Future Land Use Map and the CBOR.

Ms. Bouie stated that if an applicant did everything required by all of the standards this County and State required, according to the CBOR, it could still be voted no.

Ms. Lasley explained that the applicant had the power to appeal the decision and if there was no basis in the denial then the project could not be denied.

Mr. Weiss answered yes that was 100% accurate. The CBOR does not set forth any standards; it provides an additional meeting and a process for notification and how the meeting would happen. It has nothing to do with the standards related to any kind of application or development approval, which is the subject of the rest of the Comprehensive Plan and Land Development Code, which was where the standards would be found. He said they were right in that they had to have established standards and criteria by which decisions were made. When an application came in decisions must be made based on the criteria that the facts had been applied to in the code. That was not in the CBOR and was not the point of it. There should not be standards in the CBOR. The CBOR was a process for another meeting. He explained it was a process for another meeting; not standards. The existing CBOR was unclear as to what it applies to and how it applies. He stated it needed clarification.

Ms. Bouie said Mr. Weiss addressed her concerns and stated she wanted a CBOR but she wanted it clear and concise and to not have had all the other regulations for the citizen to be able to perform.

Mr. Weiss said he thought the proposed changes did that, it was an improvement from what existed. He said he had reviewed it and assisted in the revisions.

Ms. Bouie said she wanted the attorney to make certain that the County was not legally at risk and she preferred the attorney protected the County and allowed the Planning Commission to come to a document that would favor the citizens.

UPON MOTION OF MS. BOUIE TO ASK STAFF TO COME BACK WITH RECOMMENDATIONS THAT WOULD CLARIFY AND GIVE RECOMMENDATIONS ON DIFFERENT POINTS AND HAVE A WORKSHOP WITH BOCC AND A SECOND MADE BY MR. STALLWORTH, THE BOARD VOTED 7-0 BY VOICE VOTE TO APPROVE.

GENERAL BUSINESS

Vice Chair Henderson asked if there were any additional comments or concerns.

Mr. Nunamaker said he had a concern about the zoning process. He stated that the Planning Commission was taking recommendations, doing a lot of exceptions and there was no zoning map.

Ms. Lex said that was what they were working on.

Mr. Nunamaker asked why it had taken 30 years.

Ms. Lasley said that there was no land use map and the map on the wall was a future land use map.

Ms. Lex said zoning was not an existing land use map. An existing land use map was what was existing; it may not be what the zoning is.

Mr. Nunamaker stated the Future Land Use Map put a hardship on so many different people who were trying to do something simple with their property.

Ms. Lex said if you made your zoning and then had in the zoning what you could do and how easy it was to do and what levels of development and how to go through the approvals that should correct some of the problem. That was the intent of the zoning. She gave examples to the board.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD, MS. BOUIE MADE A MOTION TO ADJOURN AND A SECOND BY MS. LASLEY, THE MEETING WAS DECLARED ADJOURNED BY A 7-0 VOICE VOTE AT 8:57 P.M.

LIBBY HENDERSON, Vice-Chair
Gadsden County Planning Commission

ATTEST:

NICHOLAS THOMAS, Clerk