

AT A REGULAR MEETING OF THE PLANNING
COMMISSION HELD IN AND FOR GADSDEN COUNTY,
FLORIDA ON MARCH 12, 2020 AT 6:00 P.M., THE
FOLLOWING PROCEEDING WAS HAD, VIZ:

Present: William Chukes, District 1
John Youmans, District 2
Lorie Bouie, District 5 – arrived late
Charles Roberts, At Large
Jeff Diekman, District 1
Tracey Stallworth, District 2
Doug Nunamaker, District 3
Marion Lasley, District 5, Acting Chair
Steve Scott, School Board Representative

Clayton Knowles, County Attorney
Jill Jeglie, Interim Growth Management Director
Marcella Blocker, Deputy Clerk

Absent: Libby Henderson, absent (excused)

1. Pledge of Allegiance

Marion Lasley agreed to serve as Interim Chair as Libby Henderson was excused from this meeting. Ms. Lasley called the meeting to Order at 6:01 p.m. and asked everyone to stand for the Pledge of Allegiance to the U. S. Flag.

2. Introduction of Members (Roll Call)

Roll call was taken by the Deputy Clerk and two new members, Charles Roberts and Jeff Diekman introduced themselves. Ms. Jeglie also introduced the new County Attorney, Clayton Knowles, to the Commission.

3. Approval of the Agenda

4. Approval of Meeting Minutes

a. August 22, 2019

Acting Chair Lasley asked for corrections to be made on Page 8, number 6, line 2, “part o” changed to “part of”.

Ms. Bouie arrived at 6:05 P.M.

MR. SCOTT MADE A MOTION TO APPROVE WITH CHANGES WITH A SECOND BY MR. CHUKES. THE BOARD VOTED 9-0 BY VOICE VOTE TO APPROVE WITH CHANGES.

b. October 17, 2019

Acting Chair Lasley asked for corrections to be made on Page 5, paragraph 5, change Lax to Lex; page 11, last paragraph, change One to Once; page 18, paragraph 5, should be, “no EXISTING land use map.”

MR. YOUMANS MADE A MOTION TO APPROVE WITH CHANGES WITH A SECOND BY MS. BOUIE. THE BOARD VOTED 9-0 BY VOICE VOTE TO APPROVE WITH CHANGES.

5. Disclosures and Declarations of Conflict

Acting Chair Lasley asked if there were any disclosures of conflicts for the items scheduled for public hearing tonight.

Mr. Diekman said he had no communication with the applicants but his son-in-law works for David Melvin Engineering but was not directly involved with this project in any way.

PUBLIC HEARINGS

6. Hot Rods Restaurant Special Exception Use (SEU 2020-01) (Quasi-Judicial)-Consideration of a Special Exception Use to allow a 3,500 square foot restaurant with on-site alcohol beverage sales to patrons to be located at 18601 Blue Star Hwy (US 90).

Jill Jeglie, Interim Planning Director, was sworn in by Deputy Clerk Marcella Blocker and then gave a brief introduction of the agenda item stating the applicants were Joel and Betty Martin and they were represented by Mary-Margaret Farris of Melvin Engineering. An application was submitted for a Class II, Type II Site Plan for a 3500 square foot steakhouse restaurant with on-site sales of alcoholic beverages to patrons on-site. The development is 1.30 acres in area and was on the North side of US 90 and West of W. Olean Street, a local road and the hours of operation would be Monday-Saturday, 2 p.m.-12 a.m.

All Attachments available on-line.

Options:

- 1) Recommended approval of the Hot Rods Steakhouse Special Exception Use (SEU) with the following conditions and find that the application with conditions was consistent with the Gadsden County Comprehensive Plan and the Land Development Code (LDC):
 - a) Add a cover sheet and amend plan sheets to indicate the project title as "Hot rods Steakhouse Special Exception Use Plan."
 - b) On the cover sheet add the following notes:
Expiration, Extension and revocation. Noncompliance with the terms of the special exception shall be deemed a violation of the special exception approval and shall be resolved within 90 consecutive days or the special exception use shall be revoked; and Discontinued unless an extension is approved by the Board of County Commissioners within 2-years of the discontinuance of the use for which the special exception was granted per the terms of Sub. 7303 of the Gadsden County Land Development Code.
 - c) Outdoor lighting shall be directed downward and away from any adjacent property lines and shall not exceed 12' in height.
 - d) Nightly hours of operation shall be no later than 12:00 midnight.
 - e) No outdoor dining or entertainment is approved.
- 2) Recommend denial of the Hot Rod Steakhouse (SEU 2020-01) application and provide findings in support if this decision.
- 3) Discretion of the Planning Commission.

Mary Margaret Farris, Melvin Engineering, was sworn in by Deputy Clerk Blocker and appeared before the Board and said Ms. Jeglie did a great job introducing everything. She stated she had received calls from people supporting a new restaurant coming to town. She then asked if there were any questions she could answer.

Mr. Youmans asked if the Level of Service (LOS) would not exceed the LOS that DOT allowed and Ms. Jeglie explained that would be in the next item.

Mr. Chukes asked the seating capacity.

Joel Martin appeared before the Board and was sworn in. Mr. Chukes asked about seating. Mr. Martin stated there was not an exact number but the parking spaces were based upon square footage of the building.
Ms. Farris stated it was sized for about 130 people.

Mr. Chukes asked what percent of that was at food service to alcohol. Mr. Martin stated it had to be at 51%.

Mr. Diekman asked if the occupant load trigger it being an assembly and will the structure require sprinklers.
Ms. Farris said as far as she knew it was according to the building code and there was always a chance when the fire marshal reviewed it. A 6" line was being extended from the City and putting a hydrant in front of the building to meet the set-back requirement for having a hydrant next to the building for their insurance.
Mr. Diekman asked if the utilities would be provided. Ms. Farris said yes.

Mr. Nunamaker asked if there would be a merge lane out or a turn lane in and Ms. Farris answered no, it would be straight in and straight out. She further stated the DOT gave her the layout on how they wanted the driveway to look.

Mr. Roberts asked about the number of employees. Mr. Martin said currently they were looking at 12-14 from the immediate area.

Mr. Scott said the plan did not show outdoor dining or entertainment and asked if this was the intention. Ms. Jeglie said no outdoor seating or entertainment was proposed at this time and they could come back if that was something they wanted in the future. Mr. Scott stated he was asking because this was a place that would be serving alcohol and wondered if it would be moving outside. Ms. Farris stated there was not much room left to build anything outside to place people or entertainment.

Ms. Bouie asked if that meant there would not be a veranda for dining. Ms. Jeglie explained there was not one requested at this time. Her recommendation was they could come back to the board at a later date.

Mr. Scott asked if there would be entertainment inside the restaurant. Mr. Martin said it was something they had not decided.
Acting Chair Lasley said that it was their right as a restaurant to do so, and the Planning Commission would not be the ones to authorize it. (inside entertainment)

Mr. Stallworth asked about their dining hours. The hours in the proposal stated 2pm-12am and Mr. Stallworth asked if they anticipated opening earlier at any time. Mr. Martin said there was nothing hard core about the hours, they were just looking at the busier hours for a steakhouse and the type of menu they would have.

Ms. Jeglie stated her recommendation would be to not put a limit on daytime hours in case they decide they wanted to serve lunch.

Mr. Chukes asked if they should amend hours so they would not be restricted. Ms. Jeglie said it was up to the Board. Mr. Youmans asked Mr. Martin if he thought it was a possibility, otherwise they would just leave it. Ms. Farris said it might go so well that they might want to open at Noon to do an early lunch. Ms. Jeglie stated it was not a cap on day hours, just one on closing at 12am.

Ms. Bouie asked if 12 Midnight was County law and Ms. Jeglie said no, it was not. It could be left wide open but Mr. Martin proposed 2pm-12am.

Mr. Youmans said he thought 2am was the County curfew. Acting Chair Lasley said it was, for alcohol, but restaurant hours were different.

Ms. Bouie said her concern was they were going over their scope of oversight by limiting time and she thought the Planning Commission's job was to approve that the applicant complies with the planning and zoning laws.

Mr. Nunamaker said it was the applicant's proposal and the Planning Commission was just affirming their proposal. Ms. Bouie said it was, however, under the options for the Planning Commission to approve.

Acting Chair Lasley said Condition D was no later than 12 midnight and she thought that the Planning Commission was good with that statement because it was not limiting the opening hours. Ms. Bouie stated she thought the Commission should stay in the scope of Planning and Zoning and not place conditions within the approval. Ms. Jeglie said this was a Special Exception use so there were criteria that was broader and the applicant had proposed the times based on when they wanted to be open. This was a starting point based on what the applicants proposed.

Ms. Bouie said she was not saying they had done anything wrong but she would not want to go into an enterprise having the times and the condition of no outdoor dining. She stated the Commission should stick to the Planning and Zoning and allow the owners to make the other decisions. She understood it was part of the proposal.

Mr. Scott said he liked the 12 am because if it was extended the County stipulation and went until 2am, you have changed the dynamics of what this place was. It would no longer be a steakhouse, it would lean towards a nightclub.

Mr. Diekman said this was their proposal to propose however they wanted to and it was not the Planning Committees place to do one way or other. Ms. Bouie stated her concern was that conditions were being put on the applicants that were already outlined in their proposal. Mr. Diekman said they had put their own conditions on themselves in their proposal.

Ms. Bouie said the recommendation was for the Commission to either chose option 1, option 2, or option 3. Option 1 specifically outlines conditions and she was not trying to change their plan but she was asking, as a body, what they were supposed to be doing as for planning and zoning and that was her only concern.

Mr. Chukes asked what if they wanted to stay open until 1 am. Mr. Martin said he thought 2 am was the cut-off and they said 12 am because he did not see people out there after that time to order food but they could legally stay open until 2am.

Mr. Diekman asked if they changed the time here/now, would it also mean they have to go back to the public and disclose that.

Mr. Knowles said they could accept the recommendation of the County or accept the recommendation of Planning and Zoning. If they want to accept that, roll with the 12 am, and if not then go with 2 am or whatever you propose. He did not think it had to go back to the public.

Acting Chair Lasley asked if they would stop serving at 12am. Mr. Martin said the hours of operation are until 12am and after that would be clean-up. Acting Chair Lasley stated the time stated seemed very reasonable. She also stated they could come back to request a change of time frame if they needed to.

Acting Chair Lasley said she was thankful and happy they were extending water and sewer and she asked if there was anyone from the public to speak for or against the applicant and there were none.

MR. SCOTT MADE A MOTION TO ACCEPT OPTION 1 WITH A SECOND BY MR. DIEKMAN. THE BOARD VOTED BY VOICE VOTE 9-0 TO APPROVE.

7. Hot Rods Restaurant Site Plan (Class II, Type II) (SP 2019-01) (Quasi-Judicial)-Consideration of a Site Plan to allow a 3,500 square foot restaurant with on-site alcohol beverage sales to patrons to be located at 18601 Blue Star Hwy (US 90).

Acting Chair Lasley introduced the above item.

Ms. Jeglie gave a brief explanation of the agenda item.

All Attachments available on-line.

Options:

- 1) Recommend approval of the Hot rods Steakhouse Conceptual & Preliminary Site Plan (SP2020-01) and find that the site plan with conditions is consistent with the Gadsden County Comprehensive Plan and the (LDC):
 - a. The Special exception Use is approved by the Board of County Commissioners as required by Subsection 1202.D of the LDC.
 - b. Label the 50' wetland setback as "A 50" wide natural area to be maintained by the property owner. No clearing in this area."
 - c. Label the "limits of construction" on applicable plan sheets.
 - d. On Sheet C1, and C7 add a note stating "The water quality treatment facility is designed for pollution abatement requirements (water quality treatment) that are

- increased by 50% (1.5 normal treatment requirements) for a stormwater management facility discharging in to Quincy Creek per Sec. 3.4.1 of the SMPPM.”
- e. On Sheet C1, label the right-of-way width and the required setback from the building to the centerline of the US 90 right-of-way in compliance with Table 5203.3 of the LDC.
 - f. On sheet C1 and Sheet C3 indicate the utility providers.
 - g. On Sheet C1, label the required 10% open space per Policy 6.41 of the Comprehensive Plan.
 - h. Final Erosion and Sediment Control, Utility Details, Stormwater, Construction Notes and Cross-sections and Stormwater Pond Details will be reviewed for compliance at Final Plan review. However, note the following:
 - i. Sheet C-2, Construction Sequence Notes #2 & #3 should refer to the Gadsden County Construction Compliance Officer.
 - ii. Sheet C-5, replace hay bales with silt fence in right-of-way.
 - iii. Sheet C-7, under sand filter Note #3 insert Gadsden County Construction Compliance Officer.
- 2) Recommend denial of the Hot rods Steakhouse Conceptual and Preliminary Site Plan (SP2020-01) supplication and provide findings in support of this decision.
 - 3) Discretion of the Planning Commission.

Acting Chair Lasley asked for the representative to step forward and if there were any questions.

Ms. Bouie said her only concern was the entrance, just a few hundred yards up the road, there was an elderly couple killed on Highway 90 by a truck exiting a business and asked them to consider making a better entrance and exit. Ms. Farris stated the entrance/exit was proposed by the DOT to be the safest.

Acting Chair Lasley asked about the sidewalk issue. She said she saw there were no other sidewalks there and said “we sort of have to start somewhere.” Tax dollars pay for the County to put in sidewalks. Acting Chair Lasley asked Ms. Jeglie what the status was on the sidewalk issue. Ms. Jeglie said the language in the Code exempted them if they were isolated commercial and not within or adjacent to an urban service area. SUB SEC (5065.82)

Acting Chair Lasley asked them to talk about the water and sewer hook-ups. She stated she understood there was going to be a 6” main and a fire hydrant and both of those were wonderful advantages for the business and the County. She asked if they would run a line from the East, to the property and Ms. Farris said it was from Olean Street, on the NE side, and would hook there and extend it all along Highway 90 to the property. Mr. Nunamaker asked if Stones was on that same system now and Ms. Farris did not know that answer, but it was the closest city line for them to hook up to. Stones probably had a well they had been there so long.

Ms. Bouie said one other concern was parking because they are proposing 130 seat capacity and 35 parking spots with 2 handicapped. She questioned if there would be adequate parking and if they could propose more parking spaces and she asked Ms. Jeglie how that happened. Ms. Farris said there was no room for more parking spaces unless they buy more property.

Acting Chair Lasley asked about the stormwater facility because it looked like it was right out the back door. Ms. Farris said it was not right out the back door. She explained there was a 10' concrete sidewalk to get the door open and for deliveries to be made.

Acting Chair Lasley stated there would be some sort of fence around the stormwater. Ms. Farris said yes and everywhere else will be a concrete wall. Acting Chair Lasley asked if it was taking runoff from the parking lot. Ms. Farris answered all the runoff from the parking lot and building goes into it. Then there was a pipe that comes out of the North side of the facility and it would discharge on the property and then run across the property to the NE corner which was a DOT drainage ditch.

Mr. Nunamaker asked if the treatment had to be 1.5 times the normal treatment. Ms. Farris said that was what the Code said. Mr. Nunamaker asked what the 1.5 times was and what it involved. Ms. Farris said when you directly discharge to a waterbody you can only put so much into it. Ms. Jeglie stated there was a basin map that shows the various basins that it could go to. Ms. Farris continued saying the water Management will review it and make sure it was all done properly.

Mr. Diekman asked if there was a proposed fence around the facility. Ms. Farris said the fence will be on the side of the building and will protect the public from walking into the stormwater holding area

Mr. Roberts asked about the parking lot and asked how many handicapped spots and Ms. Farris said 1 for every 25 and they also had bicycle parking.

Mr. Diekman asked about the fence that there was proposed asphalt that goes to the concrete wall and there was a 7.5' fall to the existing grade, not at the pond level. Ms. Farris said that was the East side and it was not getting a fence there but they could if they needed to. Mr. Nunamaker asked if parking went up to that curb and Ms. Farris said it was parallel parking on two spots next to the building but the other spots up against it were not that high off the ground. Mr. Diekman said the Building Code states anything that elevates over 33" were required to have a guardrail.

Acting Chair Lasley asked about the structure to the north of the parking spaces. Ms. Farris said it was the enclosed dumpster pad. Acting Chair Lasley asked if the stippled part was the concrete walk out the back door and Ms. Farris said yes. Acting Chair Lasley then asked what the structure was north of the stipple (with the 17 on it) next to the dumpster. Ms. Farris stated they were bumper guards/wheel stops, so people did not drive into the building. After looking closer, they decided it was landscaping and where a tree would potentially go.

Mr. Diekman asked if a wood fence was required. Ms. Farris said yes it was because it was AG so it needed a buffer.

Acting Chair Lasley asked if anyone from the public wished to speak, and there were none.

Acting Chair Lasley read aloud the recommendations and asked for a motion.

Ms. Bouie said she heard some good concerns and wondered if they would be included. Acting Chair Lasley asked for Ms. Bouie to state the concerns.

Mr. Diekman said the Building Department may catch the falling barricade issue and they may not because they said it was an approved site plan but he had a concern that it was 7.5 feet. He asked if there was a requirement other than a 6" curb, whether it was a 2-bar rail or something. There was a need for something to keep people from falling down the end of the parking lot- anywhere where the grade of the parking lot was more than 32".

Acting Chair Lasley asked for motion to add that.

MS. BOUIE MADE A MOTION TO APPROVE OPTION 1 WITH ADDITIONAL CONDITION TO HAVE BARRIERS OVER ANY AREA OVER 32" TO THE ADJACENT GRADE WITH A SECOND BY MR. CHUKES. THE BOARD VOTED 9-0 BY VOICE VOTE TO APPROVE.

GENERAL BUSINESS

None was had.

8. Planning Commissioners Questions and Comments

None were had

9. Director's/Planner Comments-

The April 16, 2020 meeting will include the nomination and election of Planning Commission Officers.

None

10. Motion to Adjourn

MR. CHUKES MADE A MOTION TO ADJOURN WITH A SECOND BY MR. DIEKMAN. THE BOARD VOTED 9-0 BY VOICE VOTE TO ADJOURN AT 7:19 P.M.

MARION LASLEY, Acting Chair

ATTEST:

NICHOLAS THOMAS, Clerk